

This Report will be made public on 18 May 2021



Report Number **C/21/02**

To: Cabinet
Date: 26 May 2021
Status: Key Decision
Responsible Officer: Becky Edwards - Case Management Lead (Place)
Ewan Green - Director, Place
Cabinet Member: Councillor Ray Field, Cabinet Member for Digital Transformation

SUBJECT: CORPORATE COMPLAINTS POLICY

SUMMARY: This report outlines proposed changes to the Customer Feedback & Complaints Policy; primarily detailing suggested amendments to the investigation process in relation to Stage 2 complaints.

These changes are proposed in order to ensure greater resource efficiency is built into in the complaints process, thereby improving customer service, whilst ensuring that investigations are consistently dealt with in a most robust and transparent way.

The report proposes the inclusion of minor additions to the content of the policy, including the appropriate references to complaints regarding the housing service and the early resolution process, which are not currently referenced in the policy.

Alongside this the report also proposes, in line with Ombudsman best practice, the adoption of a Corporate Reasonable Adjustment Policy and requests for some minor alterations to be made to the Persistent & Unreasonable Complainants Policy.

The report also outlines an annual audit process which will be put in place to monitor the quality and effectiveness of the proposed new policy.

REASONS FOR RECOMMENDATIONS:

Cabinet is asked to consider and approve the proposed amendments which will lead to the changes in the Corporate Complaints Policy being implemented.

RECOMMENDATIONS:

1. To receive and note the report C/21/02.
2. To approve the following policies:
 - Customer Feedback & Complaints Policy
 - Persistent & Unreasonable Complainants Policy
 - Reasonable Adjustment Policy

- 3. To give delegated authority to the Director of Place, in consultation with the Cabinet Member for Digital Transformation, to approve minor amendments to the above policies in the future, and to bring substantive changes back to Cabinet for approval as necessary.**

1. CUSTOMER FEEDBACK & COMPLAINTS POLICY - BACKGROUND

- 1.1 The current Corporate Feedback & Complaints Policy was approved by Cabinet on 30 June 2016. The policy outlines the Council's two stage complaints process with Stage 1 complaints being investigated by a senior officer of the department to which the complaint relates but, if the complainant is dissatisfied with the initial response and it is escalated to a Stage 2 complaint then this is passed to a senior officer from a separate department to which the complaint relates.
- 1.2 The Stage 2 process, requiring a lead officer from a separate Council department to investigate, has been found to be inefficient and at times challenging to resource. With due consideration to continuous improvement and customer service it is proposed to change the Stage 2 process.

2. CUSTOMER FEEDBACK & COMPLAINTS POLICY - PROPOSAL

- 2.1 It is proposed that Stage 1 complaints continue to be investigated by a senior officer in the department to which the complaint relates but that any subsequent Stage 2 complaints are then investigated by the lead officer also of that department.
- 2.2 Historically, Stage 2 complaints have been responded to by a manager from a different department to which the complaint relates. In order to improve the service we offer when responding to complaints, and to ensure staff time and resources are used as efficiently as possible, it is proposed that complaints are investigated in their entirety by the specialist department to which the complaint relates. Stage 1 complaints would be responded to by a specialist in the area and any subsequent Stage 2 complaints would be responded to by the senior officer.
- 2.3 It is recognised that the lead officers are experts in their subject areas and are therefore best placed to respond. This will not only result in complaints being investigated by the most appropriate and knowledgeable senior member of staff in each area but it will improve clarity around the process and provide clear accountability for complaints on a departmental as well as at a corporate level.
- 2.4 These changes to the current process are in line with the Local Government Ombudsman and the Housing Ombudsman guidance on best practice. The Local Ombudsman guidance on running a complaints system recommends a "clear accessible and flexible process that forms part of service provision and does not overwhelm individuals or other council processes."
- 2.5 These proposed changes have been reviewed by East Kent Audit Partnership during their recent routine audit of the complaints monitoring process. The suggested changes are supported and it was confirmed that they will comply with best practice in regards to responding to complaints.
- 2.6 The proposed implementation of these changes supports the Council's stated aims within the Corporate Plan 2030: Creating Together Tomorrow by promoting resource efficiency and clear, transparent decision-making. Clear

departmental ownership of complaints will also enable any trends or lessons learnt to be immediately identified in line with our corporate commitment to continuous improvement.

- 2.7 Both the Complaints Policy and current procedures in place would need to be updated to reflect these changes and it is requested that consideration is given for this to be implemented.

3 CUSTOMER FEEDBACK & COMPLAINTS POLICY - CONTENT UPDATES

- 3.1 A copy of the proposed new policy is attached as Appendix 1. Alongside the main change outlined in section 2 of this report there are a number of minor updates to the content of the policy also proposed:
- 3.2 Accessibility reference - clearly state how we will make the complaints process as simple and straightforward as possible. (ref: Policy, page 2).
- 3.3 Inclusion of the reference to the Equality Act 2010, not currently mentioned in the policy (ref: Policy, page 4).
- 3.4 Clarification as to the acceptance of complaints made through a representative, including carers, residents groups and family members (ref: Policy, page 5).
- 3.5 Inclusion of initial service resolution details clarifying how we will aim to resolve complaints as soon as possible by discussing the issue with the customer to understand the problem and how they would like it to be resolved (ref: Policy, page 6).
- 3.6 Inclusion of the reference to the process of withdrawing complaints (ref: Policy, page 7).
- 3.7 Addition of the statement that there will be an annual audit of complaints undertaken. The annual audit will include a sample check of Stage 1 and Stage 2 complaints across service areas and also review the number of complaints which progress to the Ombudsman each year. This is in line with the commitment to continuous improvement of the complaints processes and seeks to ensure best practice (ref: Policy, page 9).

4. UNREASONABLY PERSISTENT COMPLAINANTS & UNREASONABLE COMPLAINANT BEHAVIOUR POLICY

- 4.1 The Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy was originally adopted by Cabinet in December 2011.
- 4.2 The council's corporate complaints function has been subject to an internal audit from April 2020-January 2021, which has now concluded with the function being provided with a 'reasonable' assurance rating on internal controls. The audit findings did however recommend this policy be reviewed, and updated where necessary to ensure that it remains fit for purpose.

4.3 In response to the internal audit recommendation, the policy (Appendix 3) has been discussed in relation to the wider corporate complaints policy and it was concluded that the policy for dealing with persistent and unreasonable complainants remains robust as the overall number of individuals the council has experienced is considered to be very low. However, the following minor alterations have now been made:

- The policy has been produced on a new corporate template to meet accessibility guidelines.
- Updating of local authority name from Shepway to Folkestone and Hythe.
- Updating of job titles where appropriate

5. REASONABLE ADJUSTMENT POLICY

5.1 Under the Equality Act 2010, local authorities have a requirement to make “reasonable adjustments” if the way in which we provide a service places a person with disabilities at a substantial disadvantage compared with someone who does not have disabilities.

5.2 The Housing Ombudsman annual self-assessment form references the best practice of a Reasonable Adjustment Policy being adopted by Local Authorities in conjunction with their Corporate Complaints Policy.

5.3 The proposed Reasonable Adjustment Policy (Appendix 4) outlines a framework about how we deal with reasonable adjustment requests and ensures compliance with the Equality Act 2010 by ensuring the protection of the rights of individuals and advancing the equality of opportunity for all.

6. RISK MANAGEMENT ISSUES

6.1 There is not a great deal of risk management involved in these proposals

Perceived risk	Seriousness	Likelihood	Preventative action
Policy changes not adopted	medium	low	Policy amendments written in consultation with all Lead Officers following LGO/HO best practice and guidance

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer’s Comments (Nicola Everden)

Legal Services confirm that the proposed complaints procedure complies with Best Practice Guidance issued by the Local Government Ombudsman. There are no legal impediments to Cabinet agreeing to the recommendations set out in the report.

7.2 Finance Officer's Comments (Lee Walker)

There are no financial implications arising directly from this report.

7.3 Diversities and Equalities Implications (Gavin Edwards)

There are no equality and diversity implications directly arising from this report.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Becky Edwards, Case Management Lead (Place)
Telephone: 01303 853464
Email: rebecca.edwards@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1: Corporate Feedback & Complaints Policy (May 2021)

Appendix 2: Updated Dealing with Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour Policy (May 2021)

Appendix 3: Reasonable Adjustment Policy (May 2021)