

APPENDIX 2

Review of Corporate Complaint process

A review of the corporate complaints process has been conducted and the outcome is a recommendation to change the corporate complaint process from a three-stage process to a two stage process.

In 2009 the Local Government Ombudsman (LGO) issued best practice guidance for Local Authorities on the principles of good complaint management.

In 2010 our own process was reviewed by the complaints team to see if changes could be made to reduce the number of complaint stages. At that time the number of cases being reviewed at Stage 3 was higher and the decisions reached were often different than the decision at Stage 2. It was agreed that the complaints team would continue to monitor this each year.

The policy was reviewed again in 2012. It was decided that a two stage process should be developed to replace the existing three stage process due to the need to reduce the overall time taken on each complaint which was currently taking longer than the 12 weeks recommended by the LGO. Analysis showed that the volume of complaints proceeding to the third stage was reducing and these cases were not resulting in a different decision at Stage 3. Three stages was also involving the customer in delays in reaching a final outcome. We also identified that the LGO were in agreement with the Council's findings in most complaint cases which were escalated to them subsequently by the customer and therefore the third stage investigation was becoming increasingly unnecessary.

December 2012 – CMT approved the development of a new two stage review of the complaints process

July 2013 – Proposed new process passed to Heads of Service for feedback

Sept 2013 - New proposed process accepted by the Chief Executive as ready for testing

October 2013 – Neighbourhoods service began a pilot of the new process – agreed by Adrian Chapman

March 2014 – Agreement given by CMT to continue with pilot until further data available about Stage 2 of the process

October 2014 – Feedback received from Adrian Chapman and his senior managers about their experience of using the new process

Review of Pilot of Two Stage process

The Head of Neighbourhoods agreed that his department would pilot the proposed two stage process for 6 months. His team managers were briefed how to operate the new process and the pilot started.

The pilot was increased to 12 months as at the 6 month stage none of the complaints had escalated to the second stage. Although this was good news it meant that it was not possible to test the second stage to see if the process worked as expected.

Feedback from the senior managers in Neighbourhood Services and the Service Director of Adult Services and Communities is as follows

- A 3 day informal stage leads to more engagement with the public where customers are called to resolve their complaints – this has been well received by both customer and officer with over 40% of the complaints being resolved within 3 days.
- The department have more time to consider a more complex complaint but under the new process the department have only 4 weeks not the combined 5 weeks of Stage 1 and 2. This leads to a more considered approach by the department.
- Less complaints are escalating to the independent stage

The illustration below shows the timescales for the current process and the proposed process

Timescales for current three stage process

Stage	Action	Timescale
1	Investigated by team manager	10 Working Days
2	Investigated by Head of Service	15 Working Days
3	Investigated by investigator from Governance Team	30 Working Days

Timescales for proposed two stage process

Stage	Action	Timescale
1	The complaint will be investigated by the relevant manager and will be agreed by the Head of Service. Complaints which can be resolved verbally within 3 working days of receipt will not require a written response (will be classified as informal). For formal complaints the department will have up to 20 working days to respond.	20 working days
2	If the customer is not happy with the decision at Stage 1, he/she can appeal to the Central Complaints Office, who can arrange a mediation meeting with the appropriate Head of Service, or an internal review by a member of the Governance Team on behalf of the Chief Executive.	20 Working Days

Neighbourhood Trial

	Cases	Informally Resolved	Stage 1 investigation	Upheld	Not Upheld	Partially Upheld	Escalation following Stage 1
Under the three stage process							
April 2012 – March 2013	43	Not Offered	43	7	26	10	30%
April 2013 – Sept 2013	23	Not Offered	23	4	18	1	30%
Under the new two stage process							
Oct 2013 – Sept 2014	45	18	27	8	14	5	7.4%

As can be seen by the table above there have been some encouraging outcomes from the new process.

- Due to the inclusion of an informal option a reasonable proportion of these complaints have been resolved within 3 working days. This option was not available before and feedback from the managers in the Neighbourhood department is that they are taking the initiative to ring customers to discuss their concerns at the earliest opportunity and this invariably leads to the customer being satisfied. Often these informal complaints are not being upheld but possibly hearing the same decision from a more senior officer has the effect of clarifying the council's position to the customer's satisfaction. The benefits are that the customer receives more interaction and the manager is more in touch with their customer concerns. The manager also has an incentive to respond quickly as the informal process saves them time.
- Although the number of complaints being received by the Neighbourhoods teams has remained constant the escalation rate to Stage 2 is significantly reduced. Partly this is because many of the complaints are being resolved informally but also under the new Stage 1 process the manager has more time to consider the complaint, gather information and consider it and must also get clearance from the Head of Service for their proposed response. It is likely that this leads to a more considered response at Stage 1 than was always the case before

The full new process document follows on over the next few pages.

Corporate Complaints Process 2015



Introduction

In December 2012 approval was given at CMT to revise the current corporate complaints process from the current three stage process to a two stage process.

This had been proposed due to a review of the effectiveness of the third stage which had increasingly resulted in no change to earlier decisions on complaints. The third stage had also resulted in a lengthy delay in finalising the complaint for the customer which was falling outside of the 12 week maximum complaint processing timescales for Corporate complaints recommended by the Local Government Ombudsman.

It was agreed that the complaints process would be revised to two stages - a longer more robust Stage 1 and an independent Stage 2 to provide a review outside of the department concerned.

The revised process was developed by the Complaints Manager and the Compliance Manager and was then reviewed by the Head of Customer Services and the Head of Governance.

A consultation exercise with Heads of Service was then undertaken to incorporate their feedback on the process document.

The final process draft was submitted to CMT in September 2013 for approval & agreement on an implementation date. The new process was piloted in Neighbourhoods department from October 2013 to September 2014 .

Stage 1 Complaints Process

Key Points

- The department will have up to 20 working days to respond.
- The complaint will be investigated by and response sent from a service manager or team leader.
- Complaints which can be resolved verbally within 3 working days of receipt will not require a written response (will be classified as informal)
- Complainants should have a telephone call or written acknowledgement sent within 3 working days to confirm receipt of the complaint and the next steps to be taken

When a complaint is logged at Stage 1 it will be passed to the relevant team manager to respond to. The manager should aim to contact the customer as soon as possible to discuss the complaint and ensure their understanding of the complaint issues. If the complaint can be resolved on the telephone within 3 working days the manager can record the complaint as informal and no written response is required. If the complaint cannot be resolved immediately then the customer should be advised of the timescale for a response and the investigation can proceed.

All complaints need to be logged on your departmental complaints log. If the complaint is received by the Central complaints office it will be logged on their database.

The Head of Service will be checking the response to ensure it meets the required standards, covers all the points raised and that he/she is in agreement with the stance taken.

In order for the standards to be reached you should follow the following steps:-

Understand the Complaint

Make sure that you understand the nature of the complaint.

There is an expectation that the complainant will be contacted in most cases to clarify what they are complaining about – this should be done at the earliest opportunity – by telephone in most cases. If there is a different process to review the customer's concerns they should be informed that the matter will be dealt with differently. For example if there is an appeals process. If the manager decides contact with the customer should not take place at this point then they should document why this decision was taken.

Investigate the complaint

To undertake a good investigation you must ensure that you address all of the issues contained within the complaint. You must identify a chronology of significant events and determine whether relevant policies and procedures were followed. To do this you will need to ensure that you gather evidence to support your decision. This should be obtained from a number of sources including interviewing relevant staff and accessing records.

Make A Decision

Once you have gathered all the relevant evidence you need to make a decision about whether the complaint is substantiated. It is important that you explain clearly why you have reached your decision, and support this with evidence that you have gathered. Your decision must show that you have considered all the facts and fairly interpreted the complaint.

Write a Response to the Complaint

It is expected that all Stage 1 complaints will receive a written response (this can be by email). In circumstances where the complaint has been dealt with by telephone a follow up letter containing the details of the conversation should be written and sent to the Complainant (unless it was within the informal timescales). When you write to the complainant it is important that your response is clear, concise and accurate. Use plain English, avoid using jargon and abbreviations. Your reply should include the following:

- A summary of the original complaint. Start the paragraph with “Following our telephone conversation my understanding of your complaint is.....”
- A summary of how you investigated the complaint
- A summary of your findings. Make sure all issues are covered.
- Your decision - although you can use the upheld/not upheld/partially upheld terms this may not be appropriate in all cases. Whatever words are used it should be clear to the customer, and the Head of Service if the service takes responsibility for the issues which have lead the customer to complain.
- Detail what actions you will take now (for example an apology, what you are going to do to resolve the complaint)

Finish your letter with the following standard paragraph:

I hope you are satisfied with my response.

If you are not satisfied, please contact the Central Complaints Office to discuss the next steps. They can arrange a mediation meeting with the appropriate Head of Service or an internal review by a member of the Governance Team on behalf of the Chief Executive.

The Central Complaints Office

Peterborough City Council

Bayard Place

Peterborough

PE1 1FZ

Telephone: (01733) 296331

Fax: (01733) 345090

complain@peterborough.gov.uk

Please ensure that you detail the specific points that you wish to be re-investigated and that you quote the complaint reference number shown above.

Complete the Stage 1 Complaint Response Checklist

The Stage 1 complaint response checklist should be used as a self-evaluation tool to ensure that the response to the customer covers all the points raised and explains what has been reviewed and what will happen next. Once completed please forward a copy of the initial complaint, the completed checklist and your response to your Head of Service. The checklist is attached as Appendix 1.

Head of Service Role

The Head of Service will review the response amend or authorise as necessary.

To make this process more efficient the Head of Service should be provided with a completed Stage 1 complaint response checklist and the proposed response to the customer as well as the customer's initial complaint.

The Head of Service is not checking for spelling and grammar issues or to ensure address or client details are accurate. This remains the responsibility of the author of the letter.

The Head of Service may make the decision to speak to the customer themselves or for the letter to go out in their name – anything which may help to resolve the complaint at this stage is permissible under this process.

When the Head of Service is satisfied with the response it should be sent out by the Team/Service manager. There may be exceptional circumstances where a formal written response is not preferable – a decision not to provide a written response must be agreed with the customer. A file note of the discussion/meeting with the customer detailing the agreement not to respond in writing should be clearly documented so it is available for review by the Governance team if the customer later decides to escalate their concerns.

Record Keeping

It is important that electronic copies of Stage 1 complaint responses and the associated checklists are kept in a central departmental folder where they can easily be accessed on request by Central Complaints on behalf of the Governance team or the Local Government Ombudsman. A record of the Head of Service approval to the Stage 1 response should be kept. In most cases this will take the form of an email endorsing the response and checklist at Stage 1.

Each service has a complaint log provided by the Central Complaints office and a nominated officer should be responsible for keeping it updated in each service including the monitoring of service improvements and their implementation. This will be requested by Central complaints on a regular basis to ensure a full picture of the Council's current complaint volumes and performance is maintained.

Stage 2 Complaints Process

To maintain a robust and fair corporate complaints process, there is a requirement to have an officer independent of the service complained about carry out a review or investigation. This process is detailed below in which the Compliance Team act as this independent reviewer/investigator.

This part of the process details the expectations from and of the Compliance Team in this process. It covers the receipt of a request, the initial review of the matter and the investigation along with timescales. Stage 1 complaints are assigned 20 working days from the 60 working days that the Local Government Ombudsman recommend as a maximum. This does not mean that Stage 2 matters will require 40 working days , but it does allow provision should the investigation be more complex than at first thought or matters are delayed.

Assessment by the Central Complaints Office

Requests to escalate a complaint post Stage 1 will normally be received by the Central Complaints Office. If this is received by a Service manager or Head of Service this should be directed to the Central Complaints Office upon receipt. The Central Complaints Office will be required to evaluate the request. If there is no indication that the customer was contacted by the department during the Stage 1 investigation the complaints team will contact the Head of Service to request contact is made to try to resolve the complaint. This can be in the form of a meeting or telephone call. If a conciliation meeting between the department and the complainant may help to resolve the complaint the Central Complaints team will advise the Head of Service to arrange this. If the matter is unresolved following contact between the department and the complainant the complaint team will escalate the complaint for review by the Compliance Team.

Receipt of request for Stage 2 investigation

The Chief Internal Auditor will be sent all the paperwork by the Central Complaints in a clear, chronological order with a summary of the complaint. It should have also been clarified why the customer wishes to elevate the matter to Stage 2. This should include service area being named along with the relevant head of service and a point of contact for the investigator should they require further documentation from the service. A template for this is shown at Appendix 2.

Review of request for Stage 2 investigation

The Chief Internal Auditor – Senior Corporate Compliance Officer in their absence – will review the complaint using the template shown at Appendix 3.

This first step ensures that:

- the Compliance Team receive and are able to review all the necessary documentation
- the customer has been contacted to ensure that their complaint has fully been identified
- the complaint has been fully addressed
- to ensure that service areas have had the opportunity to respond to all the customers complaints. If a new complaint has arisen following the Stage 1 response, the service area should be given the opportunity to respond

If the above criteria are not met then the Compliance Team will return the matter to Central Complaints.

The second step is to determine whether or not there is a statutory process which is the more appropriate way to deal with the complaint e.g. a benefits appeal or planning appeal. If so then the matter will be returned to Central Complaints with the appropriate advice. A complaints process cannot resolve a dispute of interpretation over benefits regulations or recommend that planning permission be refused. Furthermore, if a complaint has been raised about a matter where legal proceedings/prosecution have been commenced or are likely to then it would be inappropriate for a complaints investigation to take place.

The third step is to consider whether or not the matter can actually be resolved at Stage 2 by the Council. It may therefore be a recommendation that the matter is referred to the LGO. Any decision not to investigate must be clearly detailed and be referred to the Director of Governance for review.

The final step is for the Compliance Team to consider whether there is any conflict of interest such as the complaint concerning any service within the Internal Audit Team.

Once the above has been considered, a recommendation will be made. Any decision not to investigate, apart from anything missing from step one, will be referred to the Director of Governance.

The above will take place within five working days.

Investigation

If it is decided that the Compliance Team will investigate, the following will apply:

- The Chief Internal Auditor will allocate the case by day five to an investigator within the compliance team. Given that the service area should have contacted the customer, there will be no requirement for the investigator to do so.
- It is suggested that the investigation completion target should be **20 working days** from receipt including appropriate sign offs by departments
- The sign off requirements are **three days** for the Chief Internal Auditor and **five days** for the Chief Executive or their nominated officer.
- The Chief Internal Auditor will monitor complaints and ask for a report at 10 days and 20 days from the investigator to ensure that matters are on course for completion.
- If it becomes apparent that the investigation may not be completed within the agreed timescales, the investigator will inform The Chief Internal Auditor with reasons and a new completion date.
- Factors which could affect the timescales include the availability of officers or complexity of a complaint. It must also be considered that other investigations may take priority at times due to the seriousness or business need. In any event, the Chief Internal Auditor will inform the Complaints Manager of the reasons for the change of target date.

Upon receipt of the complete complaints file, the Investigator will:

- Read and establish an understanding of the complaint
- Review the target date to consider the feasibility of meeting the completion date
- Consider whether there is a need to interview an officer or whether there is sufficient information within the file to negate the need for an interview
- If appropriate, Identify the officers to the complaint who may need to be interviewed
- Produce a summary for each officer interviewed
- Produce a report in line with Appendix 4

This report will be signed off by the Chief Internal Auditor, or Director of Governance in their absence before being returned to the Central Complaints Office.

The Chief Internal Auditor will make a decision whether to recharge the appropriate department for the Stage 2 review – dependent on the findings of the review.

Any recommendations agreed as a result of a Stage 2 investigation should be monitored by Central Complaints to ensure that they are implemented.

Final Response by the Council

The finished report along with a draft letter of response will be sent by the Central complaints team to the Chief Executive's office for review. This letter will include referral rights to the Local Government Ombudsman.

The final response to the complaint will be sent by the Chief Executive or a nominated representative.

Five working days will be available for this part of the process.

Appendix 1

Stage 1 complaints checklist for response letters			
	Yes	No	Details
Does the response evidence that the Manager has a good understanding of the complaint?			
Is there evidence that the Complainant has been contacted prior to the complaint response being written?			
Has the complaint been investigated thoroughly enough to establish whether relevant policies and procedures were followed? If yes, please provide details of what evidence was gathered (reading files, interviewing staff etc)			
Does the response detail each of the issues contained in the complaint?			
Does the response detail what evidence was used to support the findings?			
Does the response make it clear whether the complaint is upheld?			
Are the next steps clearly stated (eg apology, corrective action, what will be done to resolve the complaint)			
Have any service improvements been identified?			
Has the standard Complaints paragraph been used as the closing paragraph			
Is the response clear, concise and accurate?			
Does the response use plain English and does not contain jargon or abbreviations?			
Have you passed the original complaint and your draft response to your Head of Service?			

Appendix 2

Referral for Stage 2 complaints review/investigation	
Service area	
Head of Service	
Point of contact for the complaint	
Date on which Stage 1 complaint was registered	
Copy of the Stage 1 complaint	
Date on which Stage 1 complaint was responded to	
Copy of the Stage 1 response	
Number of working days taken to respond	
Date on which service area contacted the customer	
Please list other documents being supplied	
Summary of complaint	
Reason for elevating to Stage 2	

Appendix 3

STAGE 2 COMPLAINT REVIEW

	Yes	No	Comments
Have we received all copies of the Stage 1 paperwork from Central Complaints? <i>If no then refer back to Central Complaints</i>			
Has the customer been contacted by the service area? <i>If no then refer back to Central Complaints</i>			
Has the customer's complaint(s) been clearly identified? <i>If no then refer back to Central Complaints</i>			
Have the customer's complaints been clearly responded to? <i>If no then refer back to Central Complaints</i>			
Has the customer raised any new complaints when requesting the matter proceeds to Stage 2? <i>If yes to above then should be referred back to Central Complaints to allow service area to addresses any new issues.</i>			
Is it inappropriate for the complaint to be dealt with at Stage 2 because the matter is:			
	Yes	No	Comments
<ul style="list-style-type: none"> • Subject to Council Tax Valuation Office appeal or should be • Subject to Housing Benefit appeals process or should be • Subject to Planning appeal or should be • Subject to an education appeal or should be • The matter is in legal proceedings or is likely to be e.g. a prosecution for a criminal offence 			
	Yes	No	Comments
Can this complaint be resolved via a complaints investigation? It may be that a referral to the LGO is more appropriate. Reasons must be considered			
	Yes	No	Comments
Is there any conflict of interest for an officer within the Internal Audit team to investigate?			

Recommendation:	Yes	Date	Comment
Returned to Central Complaints as outstanding issues to be dealt with by Central Complaints and service area			
To be investigated by Compliance Team			
Chief Internal Auditor agreement that Stage 2 investigation to be conducted by an officer external to the Audit/ Compliance Team due to conflict of interests			
Director of Governance agreement that Stage 2 investigation not appropriate due to a statutory appeals process needs to be followed			
Director of Governance agreement that Stage 2 investigation not appropriate as stage 2 will not resolve complaint and LGO referral more appropriate			
Other:			

Appendix 4



Stage 2 Complaints Report

Stage 2 Complaint Report into the complaint made by:	
Name	
Address	
On behalf of (if different):	
Name	<>
Address	<>
In respect of (service areas or teams):	
▪	
Head of Service	
Investigator	
Complaint reference	
Date complaint registered at Stage 1	
Date allocated to investigator	
Target completion date	
Date completed	

Section 1

1.1 Background to the complaint

This should be taken from the Stage 1 complaint, its response and any other supporting documentation provided

1.2 The complaint

List the complaints – these should be taken from the Stage 1 documentation.

1.3 The desired outcomes of the customer

List any outcomes desired by the customer. Any outcomes which are out of scope then the customer should be advised by Central Complaints of this.

Section 2

2.1. The Investigation

In conducting this investigation I have *list actions taken*.

I have also spoken with the following officers of Peterborough City Council:

John Smith – Head of Services
Dave Evans – Services Manager

I have been provided with and viewed the following: *list documents*

Summarise interviews with officers

2.2. The Findings/Conclusion

List each complaint with a finding of complaint upheld, complaint not upheld or unable to make a finding.

2.3. Recommendations

Any recommendations for the service area should be listed here

Investigator	
Date	
Director of Governance	
Date	

This page is intentionally left blank