

## **Appendix B –Corporate Complaints Process- Agreed Changes**

### **Background**

The complaints process was revised in 2015 to reduce the number of complaint stages from three stages down to two aiming to encourage earlier resolution of complaints and to shorten the overall time that complaints are investigated by the council. The LGSCO guidance states that councils should fully investigate a complaint within 12 weeks (60 working days).

### **Current Situation**

#### **Local Resolution (First Stage)**

Since 2015 a high proportion of complaints are resolved at the departmental stage with only 5% escalating further in the last year and this has been achieved due to a combination of factors.

Firstly, the use of the informal process, which has been adopted as a default option by several departments who receive high complaint volumes, including Housing Needs and Council Tax. This change has significantly reduced escalations as customers have personal contact from the service and early resolution within 5 working days. Of 87 complaints where informal resolution was attempted only 5% escalated. Conversely with Stage 1 responses there was an escalation rate of 15% illustrating that the informal process is more successful primarily due to mandatory verbal contact with the customer.

Secondly, if a complaint escalates at Stage 1 and verbal contact has not been offered the Head of Service must facilitate that contact before the complaint escalates to the review stage. Although this has been successful in reducing the escalations to Stage 2 review (by 50%) the Ombudsman has recently criticized the lack of clarity on timescale and purpose for this part of the process.

#### **Independent Review (Second Stage)**

There were 16 complaints (5%) that were reviewed at the second stage in 2021-22. This stage consists of an independent review to determine whether further investigation is needed leading to two possible outcomes: -

- A. No further investigation is required – refer the complainant to the LGSCO
- B. Further investigation is required – pass to the compliance team for investigation

With complaints following option A the turnaround of the complaint is prompt and usually a turnaround of 15 working days is achieved with these cases.

However, if Option B is required a longer timescale is appropriate to conduct the investigation. However, in the past year the time taken to achieve further investigation and sign off has been unacceptably protracted with an average turnaround in 2021-22 of 50 working days in the 5 cases concerned. There are several factors which have led to these delays. The officers assigned to this work are not a dedicated resource and have competing workloads which also have high priority/statutory deadlines. This work cannot be spaced out across the year as escalations are at the request of the complainant. Cooperation by the service under investigation is also not always being given sufficient priority. These delays

have led to recommendations from the Ombudsman around the lack of a clear and achievable timescale at Stage 2.

### **Areas for Improvement**

On 3<sup>rd</sup> October 2022 the LGSCO made a recommendation following their investigation of an escalated PCC complaint asking the council to

***Review its complaints policy to ensure that each stage has clear timescales associated with it. The Council should provide a copy of any revised policy to the Ombudsman.***

The deadline set by the Ombudsman for this to be completed is within 3 months of their decision date.

In the Annual Letter the LGSCO highlighted that the council were not performing at the same level as other Unitary Authorities in the category

- Satisfactory Remedy provided by the Authority

### **Required Changes**

A meeting of the main stakeholders of the complaints process (Complaint Manager, Director of Governance, Chief Internal Auditor) has recently been held to discuss improvements. Figures over the last 3 years were examined and the feedback from the Ombudsman was also considered.

The following changes were endorsed by CLT and will be in place for April:

- At the first stage informal resolution should be promoted as this has the highest success rate and is more efficient in terms of officer time.
- If a longer timescale is needed to consider the matter and a Stage 1 response is required, this response should be agreed with the Head of Service and customers should always be consulted verbally during the timescale of 20 days by a manager.
- At the second stage the initial review process works well and should remain unaltered, however where an investigation is required these need to be completed within a shorter timescale.
- It is proposed that in future the investigator makes their request for information with the relevant Assistant Director to ensure the timescale for this task is prioritised by the service.
- It is also proposed that the personnel able to complete a Stage 2 investigation is expanded to ensure there is resilience for this function. In the past year two Assistant Directors have been able to provide that support –this should be expanded to ensure all stage 2 investigations can proceed without delay and can be prioritised.
- To provide more satisfactory remedies before a complaint goes to the Ombudsman there needs to be more focus on apologising, considering compensation where appropriate and reducing delays in the complaints process. Where complaints are being considered at the final stage and there is fault found, guidance on appropriate remedies should be sought by the investigating officer from the complaints manager. This will be written in as a step in the investigation process.

The new process below will ensure there is clarity in the stages and timescales which will satisfy the recommendation by the Ombudsman but will also aid comprehension of complainants.

## **Revised Process**

### **Local Resolution Stage**

- Informal = customer is contacted within 5 days – accepts resolution
- Formal = Stage 1 written response within 20 days – customer must be contacted before response is sent & Head of Service must approve response

(Where informal resolution is attempted but is not achieved the formal response will be concluded within the remaining 15 days)

Maximum timescale at this stage – 20 working days

### **Review Stage**

- Review by the Chief Internal Auditor – 5 days
- If recommended – Investigation by officer independent from service - 30 days
- Approval of final position by the Director of Governance – 5 days

Maximum timescale at this stage – 40 working days

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