



# REPORT TO EXECUTIVE

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## PORTFOLIO AREA: PERFORMANCE AND FINANCE

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**Date of Meeting:** 21<sup>st</sup> January 2008

**Meeting:**

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**Public** Yes

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**Key**

**Decision:** Yes

**Recorded in Forward Plan:** Yes

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**Inside Policy Framework** Yes

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**Title:** Corporate Complaints Policy

**Report of:** Head of Policy and Performance

**Report reference:** PPP 09/08

### Summary:

The report presents Corporate Complaints and Feedback Policy that will complement existing procedures and other complaints policies.

### Recommendations:

The Executive Committee is requested to:

1. Consider comments and recommendations from Corporate Resources Overview and Scrutiny Committee, if applicable. (See Consultation section below)
2. Comment upon the final policy
3. Refer the Policy to Full Council for adoption.

### Reasons for recommendations:

For the Council to adopt the Corporate Complaints and Feedback Policy which will contribute towards efficiency and effectiveness of Council activities and complements existing procedures and policies.

**Contact Officer:** Carolyn Curr

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**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: "Running and Complaints System" and "Good Administrative Practice" - Guidance - Local Government Ombudsman(LGO). January 2007 - LGO – Annual Letter June 2007

## **Background**

Carlisle City Council values feedback about its services and recognises the right of all its customers to complain, to compliment or to make a suggestion about its services. The Council is committed to making sure that it uses customer feedback to help improve services and focus on the needs of customers.

The policy has been developed based on good practice from other local authorities and guidance notes from the Local Government Ombudsman.

Appropriate amendments will be made to the existing corporate complaint policies and procedures to incorporate the new policy.

## **Implementation**

The implementation of this policy will be phased over a number of months. This is to ensure the staff who will be carrying out the procedures within the policy are adequately trained and that the procedures themselves are adequate and appropriate. There may need to be amendments to the procedures, any changes to the policy itself will have to be agreed with members in the usual way.

The Customer Services Section are to be the main providers of the services detailed in this policy, with support from Committee Services who will set up and run any Arbitration Boards. Legal Services will assist with advice and guidance on dealing with the Local Government Ombudsman.

### **1. Consultation**

To date: Senior Management Team, Service Heads, Customer Services, Committee Services, Executive and Corporate Resources Overview and Scrutiny Committee

#### Corporate Resources Overview and Scrutiny Committee – 10<sup>th</sup> January 2008:

The report and policy were well received by the Committee and they welcomed the new policy and the definitions. The committee did not ask for any amendments.

### **2. Implications**

- Staffing/Resources – A 0.5 FTE Customer Services Advisor will be appointed within the Customer Services Team, to add resilience and resources to enable the smooth running of the feedback system.
- Equality and disability - Carlisle City Council is committed to promoting equality of opportunity and diversity, and to challenging discrimination. The new complaints system

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will ensure inclusive access for all. Complaints data will be monitored to ensure equal and inclusive access. The policy has been through an Equality Impact Assessment in November 2007.

- Financial – Will contribute towards effective and efficient council activity and processes and will be met from existing budgets.
- Legal – There is a requirement to deal with Corporate Complaints in a timely manner, according to the requirements laid out by the Local Government Ombudsman.
- Corporate – The policy will form part of the Council’s policy framework and enable the council to deal with all customer feedback. It will also allow us to capture this feedback as a barometer of performance, to improve services or to track customer satisfaction.
- Risk Management – The way we deal with complaints could potentially have a negative impact on the reputation of the Council through media coverage or through adverse action from the Local Government Ombudsman.
- Environmental – None.
- Crime and Disorder – None.
- Impact on Customers – The policy lays down understandable and transparent systems for the way complaints and other forms of feedback will be handled.

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<b>Policy Document Control Page</b>		
<b>Title</b>	<b>Title</b>  <b>Version</b>	<b>Corporate Complaints and Feedback Policy</b>  <b>DRAFT v8.0</b>
<b>Description</b>		This policy describes how we will deal with complaints, compliments and general feedback.
<b>Related Policies and Acts</b>	<b>Acts</b>  <b>Policies</b>	Unreasonable and unreasonably persistent complaints policy
<b>Originator</b>	<b>Author</b>  <b>Section</b>	Policy and Performance Team
<b>Consultation Process</b>	<b>Referred to and Date</b>	SMT and Service Heads, April 2007 Customer Services, April 2007 Legal Services and Customer Services, October 2007 SMT and Service Heads and Management Briefing, Dec 2007 Executive Committee, December 2007 and Corporate Resources O&S Committee, January 2008 Executive Committee, January 2008 Full Council, March 2008
<b>Circulation</b>	<b>To who:</b>  <b>Date</b>	All staff and the Internet
<b>Review</b>	<b>Review Date:</b>  <b>Responsibility</b>	Ongoing following implementation  Policy and Performance Manager
<b>For Further Ref.</b>		"Running and Complaints System" and "Good Administrative Practice" - Guidance - Local Government Ombudsman(LGO). LGO – Annual Letter June 2007

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Corporate Complaints and Feedback Policy

## Policy Statement

We (Carlisle City Council) value feedback about our services and we recognise the right of all our customers to complain, compliment or make a suggestion about our services. We are committed to making sure that we use customer feedback to help us improve our services and focus on the needs of our customers.

A Corporate Complaint is a particular type of complaint and will always be called a Corporate Complaint. This policy includes the Council's Corporate Complaints Policy and includes definitions of a Corporate Complaint and explains how we will deal with such complaints. The way we deal with Corporate Complaints is referred to as the Corporate Complaints System.

Feedback, in the case of this policy, can be a complaint (corporate or otherwise), a compliment or a suggestion about a service. The Policy details definitions of the other types of feedback, how these will be handled and what action we might take as a result.

## Our key aims

- To:
  - record all complaints, compliments and suggestions to help us analyse customer feedback
  - encourage easy access to the customer feedback process - customers can give feedback in writing, in person, by fax, over the phone and by e-mail
  - make a form available to help customers complain, this will be available in hard copy, on-line and as an e-form
  - use plain language in all communications
  - have published response targets for responding to feedback
  - monitor the progress of outstanding complaints to make sure customers receive a response in time
  - keep customers informed when we cannot send them a full response in time
  - tell all customers about their right to escalate a complaint when they are dissatisfied with our response
  - conform to the principles of natural justice and treat all customers with dignity and respect
  - reflect at all times other Council policies covering issues such as data protection, human rights and equalities
- Where we cannot resolve a complaint straight away, we will contact the customer giving them a named contact officer, phone number, and a date for a full response

## How do we publicise this policy?

We will publicise our customer feedback policy by making information available:

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Corporate Complaints and Feedback Policy

- In all of our public offices and customer reception areas
- In libraries, leisure centres, museums and the Tourist Information Centre
- To local Citizen Advice Bureaux (CAB), law centres and other advice agencies
- On our web site ([www.carlisle.gov.uk](http://www.carlisle.gov.uk) )
- We will make sure that all our reception areas display posters and leaflets advertising our customer feedback scheme.

## **How do we promote equality of access?**

We are committed to ensuring that all people are given full and equal access to the customer feedback scheme.

- We will make customer information available on request in Braille, large print, community languages, on audiotape and pictorially
- We will monitor customer feedback to make sure all community groups have easy access to the process and an appropriate resolution
- We will make sure that all complaints (regardless of stage) involving a racist incident are recorded, investigated and monitored

## **Who are our customers?**

Our customers include local residents and businesses, visitors, suppliers of services, community groups and any other group or individual that uses or is affected by our services.

## **Information and Training for employees**

We have produced customer feedback handling procedures (included in Appendix B) for use by all Directorates. An employee can get advice, at any time, from the Customer Services Manager ([complaints@carlisle.gov.uk](mailto:complaints@carlisle.gov.uk)) for information about how to resolve a complaint, complaint trends and so on.

Training will be provided to all staff that requires it, as part of the Council's on-going employee training.

## **Local Resolution**

We would aim to deal with all feedback (compliments, suggestions and complaints) at the point of service delivery using local resolution rather than the formal investigation (Stage 2a or 2b – see Appendix B) processes of the Corporate Complaint procedures.

## **What is a compliment?**

A compliment is when a customer gives us feedback about how well we deliver a service or how helpful an employee has been to them.

### **How will we deal with a compliment?**

- We will log details locally within service areas of the feedback and acknowledge receipt of the customer's compliments within 2 working days.

- If appropriate the relevant Head of Service will write to the local service manager or individual employee to thank them for providing an excellent service to the customer.
- Customer Services will collate monitoring information on a half yearly basis, and will publicise all compliments on the Council's Intranet, and monitor them for trends

#### **How will we respond to a compliment?**

- We will thank the customer for taking an interest in our services and for taking the time to let us know we are servicing them well.

### **What is a suggestion?**

A suggestion is when a customer gives us feedback on how we can improve our delivery of a service.

#### **How will we deal with a suggestion?**

- We will log details of the suggestion and acknowledge receipt of the customer's comments within 5 working days. The plan would be to integrate this process into the Council's CRM system.
- We will ask the local service manager to consider the suggestion and send a response to the customer within 15 working days.
- Customer Services will collate monitoring information on a half yearly basis, and will publicise all suggestions on the Council's Intranet, and monitor them for trends

#### **How will we respond to a suggestion?**

- We will either explain to the customer how we will implement their suggestion or explain why we are unable to implement the suggestion.
- We will thank the customer for taking an interest in our services.

### **What is a Corporate Complaint?**

Under the system, a Corporate Complaint is defined as:

**“An expression of dissatisfaction about the action taken by the council, or where the council has not taken any action, and the customer wants a further response.”**

This definition encompasses a wide range of issues that would be considered as complaints. However, at the same time, it is has been written so that a service request, which does not require the council to take specific action under the complaints system, would not be included. The complaints procedures also excludes situations where an officer nearest to the point of service delivery resolves a query from a customer immediately, e.g. within 24hours, and the customer does not want to make a complaint under the complaints system, i.e. he/she is satisfied with the response.

This definition could include one or more of the following situations:

- We **delay** in providing a service to a customer
- We **fail to provide** a service to a customer

- We provide a **poor quality** service to a customer or **make a mistake**. There is no definition of poor quality in this policy - this would be based on the perception of the customer and up to us to either prove the service was not poor quality and to acceptable standards, or apologise and say what we would do differently in the future
- We provide an **inappropriate** service to a customer. There is no definition of inappropriate service in this policy – again this would be based on the perception of the customer as above.
- We **remove** or **withdraw** a service from a customer
- We charge an **inappropriate cost** for a service
- An **employee’s behaviour** causes upset to a customer
- A **policy** unreasonably disadvantages a customer
- We unfairly **discriminate** against a customer

See Appendix A for some examples of what is considered a complaint and what is outside the scope of this system.

## **How do we deal with a Corporate Complaint?**

The Council has a specific procedure for dealing with Corporate Complaints and this is split into a number of stages. All Corporate Complaints must go through each of the stages below, although very serious Corporate Complaints may go directly to stage 3 or very complex ones may go straight to stage 2. This would only be under exceptional circumstances and is at the discretion of the Deputy Chief Executive.

### **Stage 1**

At this stage a member of staff from the service area concerned deals with the Corporate Complaint. It will usually be the first time this complaint has been raised, and is usually something related to the delivery of the service.

### **Stage 2**

At this stage a Corporate Complaint may be about the handling of the initial complaint or about a service decision or failure. It will be dealt with by someone of the appropriate seniority, either the Service Head, Director of the service involved or the Deputy Chief Executive. The level of investigation will be decided upon based on a number of factors including;

- the severity of the complaint;
- if the complaint crosses several service boundaries; or
- if the service head or director request a higher investigation.

### **Stage 3**

This is a more formal stage of the Corporate Complaints process and involves Elected Members and the set up of an Arbitration Board which hears both sides of the case and make a decision based on their investigation and findings.

### **Stage 4**

This is an external stage when the Local Government Ombudsman ((LGO)an independent body) will consider all sides and make a judgement which will be



reported to all parties. Contact details for the LGO are available on the Council's Website.

Full procedural details of each of these stages and what happens are available to help with the implementation of this policy and are included in Appendix B.

## **What action can we take to put things right when a Corporate Complaint is vindicated?**

- We will try to take some practical action to put things right.
- We will ask the customer to suggest what they would like us to do.
- We will always try to put the customer back to the position that he or she would have been in but for our mistake.
- We may decide that one or more of the following can be done to put things right:
  - Apologise to the customer
  - Provide a service to the customer
  - Provide information to the customer
  - Review customer information (leaflets, poster etc )
  - Review our working procedures
  - Request members to review a policy
  - Arrange training or guidance for employees
  - Employee action (such as standards setting or change of key worker)

## **How do we deal with customers who remain dissatisfied after we have fully responded to their Corporate Complaint?**

We will advise any customer who has been through the whole of our Corporate Complaint policy to contact the Local Government Ombudsman. If the customer makes a further complaint about the same issue, our Chief Executive may write to them informing them that we will not respond to future correspondence about the complaint unless the customer provides new evidence or makes a complaint about a different issue.

## **How do we deal with complaints about our contractors?**

We require any organisation that provides services on our behalf to comply this policy. This means we require our contractors to:

- record and respond to customer feedback;
- provide us with information when requested; and
- assist us with complaint investigations as appropriate.

## **How do we deal with a Corporate Complaint made by elected representatives?**

Local Councillors and MPs can make a complaint on behalf of a constituent. We will ask the service manager to deal with the enquiry within 10 working days.

## **How do we deal with unreasonable or unreasonably persistent complaints?**

The Council has a specific policy on this. This is called Unreasonable or Unreasonably Persistent Complaints Policy.

## **How do we monitor and learn from all feedback?**

We will monitor trends and performance in our handling of customer feedback by producing regular reports for Service Heads. We will encourage and assist Service Heads to define their information requirements. We will develop performance indicators to track the performance of the scheme in each Directorate on a quarterly basis:

- Number of complaints
- Performance in acknowledging and responding to escalated complaints
- Number of compliments and suggestions
- Number of complaints involving a racist incident
- Statistical equal opportunities information
- Customer satisfaction with complaint handling

We will monitor:

- Number by type of contact (complaints, compliments, suggestions)
- Methods used to contact us (by phone, in writing, email and so on)
- Time taken to acknowledge and respond to customer feedback
- Number of responses completed and volume of outstanding feedback
- Complaint types and outcomes
- Complaint remedies
- Action taken to improve services (complaints and suggestions)
- Customer satisfaction with the process and outcome
- Quality of complaint responses
- Customer profiles (age, gender, ethnicity and disability), and whether any of these groups received a inequality of service

We will learn lessons and improve our services by making sure that action plans are produced and implemented whenever necessary.

## **How do we review the operation of the Corporate Complaints and Feedback Policy?**

Our Customer Services Manager will review the effectiveness of the policy on a regular basis. The Customer Services Manager will retain feedback from those that have experienced our customer feedback process at first hand – customers, employees, members, advice agencies and similar organisations. This would be an annual review, using consultation with front-line staff, members and selected complainants. They could be asked to complete an on-line questionnaire, to ensure we were doing what we said we would do, and that changes to services were being made as a result of feedback we had received.

## **What complaints are excluded from our policy?**

We recognise that some feedback is more appropriately dealt with through other processes, including:

- A complaint that is being dealt with or was previously dealt with by legal proceedings
- An employee's complaint about personnel matters including pay, pensions, disciplinary and grievance issues
- A complaint that is more appropriate for the NHS and Community Care Act or Children's Act complaint procedures
- A complaint that is more appropriate for our "Whistle Blowing" procedure
- A complaint about a service where we have no responsibility
- Matters where a statutory appeal body or tribunal has been established, for example, planning applications, parking representations, Benefit Reviews and so on
- A complaint about an actual policy decision taken by Elected Members (or an officer under delegated powers).
- Any complaint which is being dealt with by any of the Council's partnerships. Complaints about contractors services they do on our behalf, may still come through the normal complaints channels

## Appendix A

### Examples of situations that ARE Corporate Complaints and

The following categories are Corporate Complaints. Each category is shown with an example to help with the understanding of that category.

- a) Failing to follow the council's procedures/systems/rules (e.g. Failing to collect a bin on the advertised day)
- b) Delays in providing a service (e.g. Delays in meeting agreed time scales for work)
- c) Failing to provide a service (e.g. Failing to open a facility at the advertised times without good reason)
- d) Failing to meet published or advertised service standards (e.g. Failing to answer a letter from a customer within 10 working days)
- e) Failing to meet our statutory obligations (e.g. Providing unsafe facilities for the public)
- f) Complaints about the attitudes and/or actions of employees (e.g. An allegation about an officer being rude to a customer)
- g) Failing to present all relevant information ready for a decision (e.g. Not providing all appropriate facts in reporting to Councillors)

### EXAMPLES OF SITUATIONS OUTSIDE THE SCOPE OF THE COMPLAINTS PROCEDURES

The following categories are outside the scope of the complaint's procedures and, as above, they are shown with examples to help in understanding of each category:

- a) Complaints where other appeal mechanisms are available (e.g. Refusal of planning permission)
- b) Complaints about council policy (e.g. Closure of public toilets)
- c) Initial request for work to be carried out (e.g. Report that a street lamp is out)
- d) Decisions/actions which are associated with carrying regulatory powers (e.g. Hygiene audit of food premises)
- e) Complaints where the customer should appeal to a court or tribunal (e.g. Valuation of a property for the Council Tax banding purposes)



## STAGE 1: Local Resolution of Complaint

1. Dealing with a customer's first complaint.
2. Responding to a customer's first complaint.

This is often an informal stage and usually not recorded centrally by corporate complaints

## Appendix B

### STAGE 2 (a): Local Service Investigations

3. When do we escalate a complaint
4. A Service Head will carry out service investigations
5. How we handle a service investigation
6. How we respond to the customer

Click on process – this will take you to the correct place in the process.

Use the Back Arrow button on the toolbar above to return to this page.

### STAGE 2 (b): Review by Director or Deputy Chief Executive on behalf of Chief Executive

7. When do we carry out independent review?
8. Who independently reviews a complaint?
9. How we handle independent reviews
10. How we respond to the customer

### STAGE 3: Arbitration Board

11. Arbitration board set up to deal with complaint as complainant unsatisfied with independent review.

### STAGE 4: Local Government Ombudsman (LGO)

12. LGO can be contacted independently if complainant unsatisfied with council resolution at any stage.



## **Stage 1: Local resolution of complaints**

### **1. How will we deal with a customer's first complaint?**

The employee receiving the complaint will:

- Make every effort to resolve the problem straight away
- Record details of the complaint locally. The method for this will need to be determined once the policy is in place, and decisions are made about the use of the Council's CRM System.

If we cannot resolve the complaint straight away, the service manager will:

- Arrange for someone to contact the customer, by phone or in writing, within the next 5 working days
- Inform the customer about who is dealing with the complaint and give them a date for our response
- Arrange an investigation of the complaint
- Aim to send a full response to the customer within 10 working days
- Keep the customer informed about any delays in dealing with the complaint

### **2. How will we respond to a customer's first complaint?**

- We will respond in writing.
- We will tell the customer about their right to complain to the Service Head if they are dissatisfied with our initial response
- We will enclose a customer satisfaction monitoring form with our response
- When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right
- We will make sure that a copy of our response is passed to the Service Head so that we can monitor the quality of our responses

## **Stage 2 (a): Local Service Investigations**

### **3. When do we escalate a complaint?**

- A customer complains when they are dissatisfied with our local resolution response.



- We unreasonably fail to reply at the local resolution stage.
- A senior manager or the Customer Services Manager requests a special investigation.

#### **4. Who will carry out a service investigation?**

A Service Head of the relevant service will arrange a full investigation of the complaint.

#### **5. How will we handle a service investigation?**

The Service Head will:

- Inform Corporate Complaints of the complaint so that it can be centrally logged
- Acknowledge the complaint within 3 working days and ask the customer to clarify the outcome they expect if unclear from the complaint
- Arrange an investigation of the complaint

The Service Head will:

- Make sure that the investigation has access to original documents and records, relevant employees and the customer
- Aim to send a full response to the customer within 10 working days
- Keep the customer informed about any delays in investigating the complaint
- Inform the Directorate's Director of the response

#### **6. How will we respond to the customer?**

- We will tell the customer about their right to an Arbitration Board if they are dissatisfied with our response
- When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right

### **Stage 2 (b): Review by Director or Deputy Chief**

#### **Executive on behalf of the Chief Executive**

#### **7. When do we carry out an independent review of a complaint?**

- The complaint is of sufficient severity to warrant an investigation of this level
- The complaint crosses more than one service boundary

- The complaint is about the Service Head
- We unreasonably fail to carry out a service investigation
- A senior manager or the Customer Services Manager requests an independent review

#### **8. Who will independently review a complaint?**

Our Customer Services Manager, independent of the service area, will arrange a review of the complaint by the Director or Deputy Chief Executive on behalf of the Chief Executive

#### **9. How will we handle an independent review?**

In normal circumstances the Customer Services Manager will:

- Centrally log and acknowledge the complaint within 3 working days
- Contact the customer to clarify the outcome they expect

Arrange a review of the complaint by Director or Deputy Chief Executive on behalf of the Chief Executive.

- The Customer Services Manager shall inform the service's Director that the complainant is dissatisfied with the outcome of the Service Investigation and that a review is to take place.
- Send a full response to the customer within 15 working days

#### **10. How will we respond to the customer?**

- We will tell the customer about their right to complain to the Local Government Ombudsman if they are dissatisfied with our response
- When we find a need for improvement, we will prepare an action plan to make sure we take action to put things right

### **Stage 3: Arbitration Board**

- This is an Appeals Panel, made up of 3 Councillors convened by the Deputy Chief Executive and at the request of the complainant.
- Arbitration board should be completed within 20 working days.

### **Stage 4: Local Government Ombudsman**

- Local Government Ombudsman (LGO) can be contacted independently if complainant unsatisfied with council resolution at any stage.
- Corporate Complaints will provide LGO contact details and forms usually at the end of the stage 3 process, but it could be at any time during the process.
- The complainant can contact the LGO at any time to request impartial advice. The LGO can decide to take the complaint immediately or declare it premature and return it to the council so it can have the chance to go through our internal processes.