

Report to Executive

Meeting Date: 27 September 2021
 Portfolio: Finance, Governance & Resources Portfolio
 Key Decision: No
 Policy and Budget Framework: No
 Public / Private: Public

Title: Amendment of Corporate Complaints and Feedback Policy
 Report of: Town Clerk and Chief Executive
 Report Number: CE.10/21

Purpose / Summary:

The Complaints and Feedback Policy is an important mechanism for residents to put forward feedback to improve our services. We have undertaken a review of the policy to improve the customer experience, better manage expectations and maximise internal efficiency when investigating and responding to complaints. Proposed amendments will highlight best practice and provide valuable feedback for service improvement.

Recommendations:

Recommendations are to approve the revised policy.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** Since the outbreak of Covid-19, we have seen a significant increase in complaints, particularly for residential issues as people spend more time at home. In 2020/21 we investigated 49 Corporate complaints compared to 22 in 2019/20.
- 1.2** For over 20% of the 49 corporate complaints, we couldn't approach the substantive issue or reach an appropriate resolution through the corporate complaints process, for the following reasons:
 - 1.2.1** Planning Decisions – The Corporate Complaints process does not have the mechanism to overturn planning decisions. Complaints are processed on the accusation of an officer(s) acting outside of policy legislation. When investigations have found that this is not the case, the complaint then returns to the substantive issue of a disagreement of committee decisions. The correct way to challenge planning decisions is by judicial review.
 - 1.2.2** Adherence to Legislation or Policy – Where the council has taken any action required by any associated legislation council approved policy. Examples include enforcement action for Covid related offences or Council Tax charges. The Complaints Policy can gather feedback and disseminate it accordingly, but in instances where officers cannot act in any other way, processing comments as a corporate complaint has no benefit to either party.
- 1.3** Under the current policy, complainants can escalate their complaint without justification. There is no trigger within the policy to challenge this. Whilst it is crucial that any complaint is properly investigated with any improvements identified and actioned, in instances where we cannot resolve the substantive issue, as evidenced above, continued escalation serves no purpose. Responses at each stage draw the same conclusion which causes additional frustration to the complainant.
- 1.4** The proposed amendments are in line with feedback we have received from the Local Government Ombudsman. Our Annual Review Letter stated that the Ombudsman received four complaints after passing through our Corporate Complaints Policy. Only one of these complaints had an initial investigation opened, which was quickly closed, ruling in our favour. The remaining three complaints were not investigated. The Ombudsman concluded, for each complaint, that the complaints did not merit further investigation and stated specifically that, "It would not be a good use of public resources to investigate".
- 1.5** The proposed amendments to the Feedback and Complaints Policy will ensure that our resources are used more efficiently when investigating and implementing improvements. Customers will have access to a policy that is more defined which will control expectations of the resolutions we can offer. Proposals

will also provide the council with more accurate data on where to commit resource for improvements in the long term.

2. PROPOSALS

- 2.1 Amended Acknowledgements** will provide customers with clear advice, including:
- 2.1.1** Complainants will be provided with timescales and a copy of the Feedback and Complaints Policy to reference throughout the process.
 - 2.1.2** In instances where comments fall outside the scope of the Corporate Complaints process because other, more appropriate, appeals pathways exist, the appeals pathways will be provided.
 - 2.1.3** In instances where comments fall outside the scope of the Corporate Complaints Policy because we cannot approach the substantive issue (See 1.2.1 & 1.2.2), the customer will receive an informal response within 15 working days.
 - 2.1.4** In either case of 2.1.2 or 2.1.3, somebody needs to be authorised to take the decision that the comments fall outside the scope of the Complaints process. It is suggested that the Leader's Scheme of Delegation already delegates responsibility for management of the Council's customer services to the Town Clerk and Chief Executive. This responsibility falls within that delegation and can be sub-delegated by the TCCE to another officer or group.
- 2.2 Informal Responses** are a new addition to the policy. This will provide the complainant with a full response as to why we cannot approach the substantive issue and describe any actions we can take. It is understood that despite not being able to resolve the issue, the customer may still be frustrated. We will demonstrate that we take all feedback seriously and will take the time to listen. Informal responses cannot be escalated unless any investigating officer finds the council is at fault. In this instance comments will progress through the Corporate Complaints process.
- 2.3 Complaint Escalation** has been amended to give the council more control of the complaint handling process. Complainants will be asked to give reasons for complaint escalation. These may be to challenge any perceived inaccuracy or omission from previous complaint responses. Should any investigation find the council was not at fault, or no further practicable action can be taken, we can justifiably stop the complaint escalating and choose not to investigate further. This is in line with the Local Government Ombudsman processes (see 1.4).
- 2.4 Stage 4** of the Corporate Complaints Process has been removed. In the current policy, stage 4 signposts complainants to the Local Government Ombudsman.

Justifiably halting complaint escalation still gives the customer the option of progressing their complaint to the Local Government Ombudsman, but the complaint may not have progressed through all stages of our Corporate Complaints Process.

3. RISKS

3.1 No significant risks have been identified

4. CONSULTATION

- 4.1 Service Managers have been consulted and offered comments on the proposed amendments
- 4.2 Committee Services have been consulted and provided comments
- 4.3 Information Governance have been consulted and offered comments
- 4.4 Amendments were written in collaboration with Legal Services
- 4.5 Proposals have been approved by SMT

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1 A defined Corporate Complaints and Feedback Policy will control customer expectation and improve the customer experience
- 5.2 More control of the Corporate Complaints Process represents efficient use of public resource
- 5.3 Customers are signposted to appropriate appeals processes more efficiently
- 5.4 Protection for officers from unwarranted accusations, both personal and professional
- 5.5 Improved data for ongoing performance improvement

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

6.1 Upholds the Councils values of being Clear, Committed and Confident

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**Appendices
attached to report:**

Proposed Amended Corporate Complaints and Feedback Policy

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – The Council is required to set out how it will deal with complaints and feedback from customers and stakeholders. This report attaches the proposed amended procedure that will be followed and sets out the reasons for those amendments. Given the importance of customer relations, it was considered that this should be considered by the Executive before adoption.

PROPERTY SERVICES – No Property Services Implications

FINANCE – There are no explicit financial implications as a result of the changes to the Complaints and Feedback Policy that cannot be accommodated within base budgets.

EQUALITY – None

INFORMATION GOVERNANCE – It is acknowledged that the Policy refers to the handling of data protection and freedom of information concerns, and this is supported to ensure customers are aware of the appropriate channels available to them to resolve associated issues.

Corporate Complaints and Feedback Policy

METADATA

Audience	Carlisle City Council and Residents
Creator	Customer Services
Date to be Issued	
Date of Next Review	
Description	The document details how the City Council deals with complaints, compliments and general customer feedback
Disposal	N/A
Format	MS Word 2010
Version	1.2
Supersedes Version	1.1
Title	Complaints and Feedback Policy

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1 Introduction

1.1 Carlisle City Council (the Council) values feedback about its services and recognises the right of all its customers to complain, compliment or make suggestions about any Council activity or service. Stakeholders include local residents and businesses, visitors, suppliers of services, community groups and any other group or individual that uses or is affected by its services. The Council is committed to ensuring that it uses customer feedback to help improve services and to focus on the needs of its customers.

1.2 The Council is committed to ensuring that all people are given full and equal access to this policy and its services. This policy can therefore be made available upon request in Braille, large print, community languages, on audio or pictorially.

2. Corporate Complaints

2.1 The Corporate Complaints policy is in place to investigate an expression of dissatisfaction about the standards of service, officer conduct or breach of council process or legislation

2.2 The Corporate Complaints policy cannot rectify or overturn any dissatisfaction with any Council decisions where an alternative route of appeal or resolution exists. In particular:

2.2.1 Any complaints concerning decisions of the Development Control Committee (or delegated decisions taken by Officers) or technical queries regarding planning legislation must be pursued through the statutory Appeals process or Judicial Review process. The Corporate Complaints Policy cannot be used to investigate technical planning matters or legislation;

- 2.2.2 Any objections concerning decisions of the Licensing Committee or Regulatory Panel (or delegated decisions taken by Officers) must be pursued through the statutory appeals process. The Corporate Complaints Policy cannot be used to challenge technical licensing matters or legislation;
- 2.2.3 Any objections to the instigation of enforcement action (for example, the issue of enforcement notices, prohibition notices, etc) may only be challenged using the appropriate statutory legal procedure for the type of enforcement action;
- 2.2.4 Any appeal against a charge for Council Tax or Business Rates must be pursued using the appropriate statutory procedure; and
- 2.2.5 Any complaint about an Elected Member must be dealt with using the separate procedure within the Members' Code of Conduct.
- 2.2.6 Correspondence in relation to Data Protection concerns will be treated as a Stage 1 Response (See section 8) and thereafter signposted to the Information Commissioners Office (ICO) as the appropriate appeals pathway.
- 2.2.7 Freedom of Information (FOI) and Environmental Information Requests (EIR) will be handled through the council's internal review process.

This list is not exhaustive. Where a separate route of challenge or appeal exists, the Corporate Complaints policy may not be used.

- 2.3 Correspondence which does not fall within the Scope of this Corporate Complaints Policy will be directed to the relevant department which will either provide an Informal Response (see section 7) or advise the complainant of the appropriate appeals process

3. Aims of this Policy

3.1 The aim of this policy is to facilitate the best possible professional practice by the Council and deliver excellent customer service. Specifically, it aims to:

- 3.1.1 Record all complaints, compliments, and suggestions to help the Council analyse customer feedback and inform future service planning and delivery.
- 3.1.2 Encourage easy access to the customer feedback process
- 3.1.3 Use plain language in all communications
- 3.1.4 Monitor the progress of ongoing complaints to make sure customers receive a response in time.
- 3.1.5 Keep customers informed when a full response cannot be sent in time
- 3.1.6 Conform to the principles of natural justice and treat all customers with dignity and respect.
- 3.1.7 Apologise when we have done something wrong and explain how we will resolve the issue and avoid similar occurrences in future
- 3.1.8 Explain where we have not done something wrong, to avoid misunderstandings.

4. Definitions

4.1 The following terms are used in this document:

Corporate Complaint	An expression of dissatisfaction about the standards of service, officer conduct or breach of council process or legislation
Compliment	An expression of praise or congratulations (for the Council or its staff) that goes beyond positive recognition
General Feedback	A comment or suggestion, positive or negative, which does not constitute a

	complaint but relates to the services provided by the Council
Informal Resolution	A means of responding to general feedback and to correspondence which do not fall within the Corporate Complaints Policy
Member or Elected Member	A Councillor for Carlisle City Council, elected to hold office by the residents of Carlisle
Officer	An employee, agency worker or volunteer for Carlisle City Council

5. Registering a Complaint

5.1 All complaints must be put forward in writing to ensure complainants can fully describe their issues and to avoid any misunderstanding over the nature of the complaint. For this reason, we do not accept Corporate Complaints over the telephone. Complaints may be forwarded to the complaints department from internal departments.

5.2 Should you require assistance in submitting a complaint you can visit our contact centre in person and one of our advisors will help you submit your complaint. Help is also available from Citizens Advice (Carlisle & Eden) who can be contacted by:

5.2.1 Telephone – 0808 278 7844

5.2.2 Web Form - <http://www.cac-e.org.uk/make-a-referral/>

5.2.3 In Person – 4th Floor, Broadacre House, 16-20 Lowther Street, Carlisle, CA3 8DA

5.3 Complaints should be submitted in any of the following ways:

5.3.1 Email – complaints@carlisle.gov.uk

5.3.2 Web Form – <https://www.carlisle.gov.uk/Council/More-about-the-council/Corporate-Complaints>

5.3.3 Post – Corporate Complaints, Carlisle City Council. Civic Centre, Carlisle, CA3 8QG

5.4 The Council may not investigate complaints when the issue took place more than 6 months before the receipt of the complaint, specifically in instances where:

- 5.4.1 Complaints of service failures, where due to the time elapsed, we cannot appropriately investigate or form a definitive conclusion
- 5.4.2 The complaint has already been investigated and there is no new evidence to warrant further investigation
- 5.4.3 The complainant cannot provide evidence of historic service failures

6. Responding to a Complaint

- 6.1 Upon receipt of a Complaint, we will provide the complainant with an acknowledgement within the timescale set out in the table at section 13.
- 6.2 Complaints submitted by Online Form or Email will be responded to using the email address provided by the complainant. Complaints submitted by post will be responded to by letter to the address provided by the complainant unless a valid email address has been provided therein.
- 6.3 The Council cannot respond to correspondence that does not have appropriate contact details.
- 6.4 The acknowledgement will provide the complainant with:
 - 6.4.1 Confirmation that comments will be treated as a Corporate Complaint, what stage your complaint is being investigated and if the complainant will receive an Informal Response (see section 7);
 - 6.4.2 The officer or department that will be investigating the complaint;
 - 6.4.3 Timescales of when the complainant will receive a response;
 - 6.4.4 A copy of the Corporate Complaints and Feedback Policy.

7. Informal Response to Correspondence

- 7.1 Where correspondence does not constitute a Corporate Complaint, the customer will receive an Informal Response. Informal responses are provided by the relevant department.

7.2 If the complaint does not constitute a Corporate Complaint because another route of appeal or challenge exists, the complainant will be advised of the existence of that procedure within 5 working days.

7.3 Where 7.2 does not apply, the department should carry out a full review of the correspondence. Where it is found that the Council would not act any differently should the same, or similar, circumstances arise again, either because of our statutory duties to carry out council functions or legislative requirements that the council must uphold, or, for reasons outlined in Section 2, this will be fully explained to the customer.

7.4 Informal Responses aim to provide assurance that the circumstances giving rise to dissatisfaction have been fully investigated. Any correspondence treated as an informal Response cannot be escalated.

7.5 If the customer remains dissatisfied, they can submit a complaint to the Local Government Ombudsman (see section 8.8).

8. The Corporate Complaints Process

8.1 Where a complaint has been acknowledged to be a Corporate Complaint, the appropriate officer of the relevant department will carry out a full review of the complaint and provide a Stage 1 response. The response will explain the decision which the investigating officer has reached, and the reasons for reaching that decision.

8.2 Investigation into the complaint at this stage will usually be conducted by an officer or relevant service manager of the department. In instances where the complainant has already received a response from the officer or service manager, before a corporate complaint was submitted, or, if the complaint is specific to the officer or service manager, the Council may select another relevant officer to respond. Complainants will be notified who will be investigating their complaint at the acknowledgement stage.

8.3 If the complainant is dissatisfied by the Stage 1 response, they may request that the complaint be escalated (see section 9).

- 8.4 At Stage 2 the complaint will be reviewed again. This will involve a review of the circumstances alleged by the complainant and will also take into consideration the Stage 1 decision. A response will be provided to the complainant setting out the Stage 2 decision and providing reasons for the decision.
- 8.5 The Stage 2 review will usually be carried out by the Service Manager or Corporate Director responsible for the relevant department. In instances where the Service Manager or Corporate Director carried out the Stage 1 review, the Council will select another officer to respond. Complainants will be notified who will be investigating their complaint at the escalation stage.
- 8.6 If the complainant remains dissatisfied after receiving the Stage 2 response, they may request that it be escalated to Stage 3. The complaint is required to provide further detail as to why they wish the complaint to be escalated. For guidance, refer to section 9.
- 8.7 Stage 3 of the Corporate Complaints process involves a hearing before one of the Council's Appeals Panels. The Appeals Panel is a formal committee of the Council, comprising Elected Members. Complainants will be asked to attend a meeting of the Appeals Panel on a mutually agreed date. Complainants may nominate a person to attend on their behalf. Should the complainant be unable to attend, the panel will take place in their absence. The complaint, the Stage 1 and 2 responses and any relevant supporting material will be collated and submitted to the members of the Appeals Panel in advance of the meeting. The Appeals Panel will consider this information and will hear from the complainant (should they attend) and relevant officers, before reaching a decision. The complainant will be notified of the decision in writing within 15 working days of the conclusion of the hearing.
- 8.8 If a complainant remains unsatisfied with the Council's response following a complaint passing through the Corporate Complaint Process, they can contact the Local Government Ombudsman (LGO) who are an independent body that considers both sides and makes a judgment, which will be reported to all parties. The LGO can be contacted at:
- 8.8.1 Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH
 - 8.8.2 Online - <https://complaints.lgo.org.uk/>
 - 8.8.3 Telephone - 0300 061 0614

9. Complaint Escalation

- 9.1 If a complainant is unsatisfied with a Stage 1 or Stage 2 response, they have a right to request that their complaint be escalated to the next stage of the Corporate Complaints Process. The request to escalate a complaint must be received by the Council within 28 days of the Council's response.
- 9.2 To escalate a complaint, the complaint must provide the following information to ensure the next investigating officer can appropriately carry out an investigation.
- 9.2.1 What part of the complaint response was unsatisfactory; and/or
- 9.2.2 Highlight where an issue or point within a complaint has not been addressed appropriately; and/or
- 9.2.3 Any part of the response that is factually incorrect
- 9.3 The Council must consider the time and resource of responding to Corporate Complaints and can decide not to escalate a complaint in the following circumstances:
- 9.3.1 Where it is deemed that a response has already fully investigated all points of a Corporate Complaint and either the Council is not at fault or an apology has been provided and no further action can be practicably taken;
- 9.3.2 Where the Council does not have the power or influence to rectify the substantive issue; or
- 9.3.3 Where additional points have been continually raised throughout the complaints process that detract from resolving the substantive issue
- 9.4 Before taking a decision not to escalate a complaint, the Council will consider any information provided by the complainant in the request to escalate and will balance this against the time and resource allocation which are likely to be incurred by the Council in dealing with the complaint. A decision not to escalate the complaint will not prevent the complainant contacting the Local Government Ombudsman (see section 8.8).

10. Compliments

- 10.1 Where a compliment is received from a stakeholder, congratulations on excellent service will be given to the individual employees by the appropriate manager or Director.

11. General Feedback

11.1 The Council will log details of the customer's feedback and write an Informal Response to the customer within fifteen working days detailing how we will approach the feedback given and any resulting actions.

12. Complaints about Contractors

12.1 The Council requires any contractor providing services on its behalf to comply with this policy. They will therefore respond to customer complaints within the same timescale, provide the Council with information when required to do so, and assist the Council with complaint investigations as appropriate.

13. Timescales

13.1 The below table sets out the timescales applicable throughout the Corporate Complaint Process

Action	Timescale	Responsibility
Complainant to receive an acknowledgement	Within 5 Working days from receipt of complaint	Council
Receive an informal response (if applicable)	Within 15 Working days from receipt complaint (NB any advice regarding statutory routes of appeal or challenge to be provided within 5 working days)	Council
Stage 1 Response	Within 15 Working days from receipt of complaint	Council

Request to Escalate to Stage 2 (See Complaint Escalation for Guidance)	Within 28 Days from date on the Stage 1 response	Complainant
Outcome of the Escalation Request	Within 5 working days of the escalation request	Council
Stage 2 Response	Within 15 Working Days of the Escalation Request	Council
Request to Escalate to Stage 3 (See Complaint Escalation for Guidance)	Within 28 Days from date on the Stage 2 response	Complainant
Outcome of Escalation Request	Within 5 working days of the escalation request	Council
Confirmation of Appeals Panel Date	Mutually Agreed	Council / Complainant
Outcome of Appeals Panel	Within 15 Working Days of Panel Date	Council

12.2 Where a complaint is complex, we may need more time to fully investigate and appropriately respond. If this is the case, the complainant will be notified of amended timescales.

13. Unreasonable or Persistent Complainants

13.1 Occasionally stakeholders misuse the Corporate Complaints Process. In such cases the Council has a duty to ensure it does not misuse public money by pursuing unreasonable or unreasonably persistent complainants. It also has a duty to protect its staff and Members from unacceptable behaviour and harassment.

13.2 If a manager therefore considers that a complainant is being unreasonable or unacceptable in their complaint(s) or action(s), the matter will be referred to the Senior Management Team who may decide to limit the individual(s) personal contact, either by telephone or in person, with officers, or Council premises. Such a decision will only be taken after a thorough investigation and the complainant will be informed of the decision and the reason(s) for it in line with the Council's Unreasonable or Persistent Complaints policy. Sanctions on contact are a last resort so an appropriate warning may be issued before any action is taken.

14. Monitoring

14.1 This policy may be revised at intervals to be determined by the Council in light of changing needs or when feedback is received from the LGO.

14.2 Complaints will be monitored, when possible, from an equalities viewpoint to ensure no group or individuals are inadvertently receiving a sub-standard service.

15. Links with Other Policies and Procedures

- Codes of Conduct for Employees and Elected Members
- Confidential Reporting Policy
- Data Protection Policy
- Disciplinary Policy, Guidance and Procedures
- Encouraging Mutual Dignity and Respect Policy
- Equal Opportunities and Diversity guidance
- Grievance Procedure
- Health & Safety Policy
- Procurement and Commissioning Strategy
- Comprehensive Equality Scheme
- Unreasonable or Persistent Complaints Policy

