
CORPORATE COMPLAINTS PROCEDURE - STATUS REPORT

1. Background

The corporate complaints procedure was introduced on 1 April 2002. It covers complaints made to the council about services, and is intended to provide:

- a straightforward means for customers to make a complaint
- a consistent procedure for investigating a complaint
- redress where complaints are found to have substance
- feedback to prevent the recurrence of identified problems.

2. Complaints tracking software

The council has installed a software package called Respond to track the complaints that are received. The package gives detailed information about the nature of complaints, the department(s) involved, progress against deadlines, and outcomes. This information can be produced down to the level of individual teams.

In the year 2001 -2002 the council recorded only 56 complaints. This compares very poorly with comparable authorities who operate a robust complaints procedure. In 2002-2003 the number rose to 267. In response to the Audit Commission's recommendations, the corporate complaints officer conducted focussed training and awareness sessions on recognising and recording complaints, and in 2003-2004, 981 complaints were recorded.

3. Corporate learning

The Standards Committee considers complaints that reach the third stage of the procedure, and form a review panel which both the complainant and the appropriate council officers may attend. The review panel has considered 7 complaints so far.

Case One – Highways

In this case, the panel found that the complainant was not entitled to receive the service about which the complaint was being made. However, the matter had dragged on over several years, and at no point was it made clear to the complainant that he was not entitled to the service. The panel considered that because of this, the complainant was entitled to a time and trouble payment. The complainant was not satisfied with the level of payment offered, and took the complaint to the Ombudsman. The Ombudsman upheld the review panel's decision.

The department conducted a lunch time seminar for all its senior managers to ensure that all of them understood the importance of recognising a complaint early on, and taking appropriate action.

Case Two - Trading Standards

The complainant considered that the Trading Standards department had failed to take action to prevent a business from passing itself and trading on the good will of another long established firm.

The panel considered that the Trading Standards department had conducted extensive enquiries, and had reached its decision not to pursue the matter for entirely justifiable and sound reasons. The review panel did not uphold the complaint.

The complainant subsequently complained to the Ombudsman. The complaint was not upheld.

Case Three - Special Educational Provision

The complainant's child had a severely disabled child with a statement of special educational needs. The statement made provision for music therapy. There was a serious shortage of music therapists in Wiltshire, which meant that at the time the complaint was lodged, the child had not been in receipt of music therapy for 11 months. The review panel upheld the complaint.

The department recruited a music therapist on the basis that the therapist was employed by the LEA, and could therefore be deployed at various locations across the county in order to address the acute shortage of this type of provision.

Case Four - Wiltshire Music Service

The complainant was not satisfied with his child's progress in music lessons. Lessons were given by a peripatetic music teacher employed by the Wiltshire Music Service, who had subsequently ceased to work for the county.

The panel found that, although the teacher could not be held responsible for a child's lack of musical ability or failure to practice, there were nonetheless some shortcomings in systems for reporting progress and problems to parents.

As a result, the department has amended reporting procedures to parents, and introduced other requirements for peripatetic teachers to ensure full accountability.

Case Five – Education

The complainant had a child who was being assessed to determine whether s/he had special educational needs. The complainant made frequent telephone calls and unscheduled visits to the Assessment & Placement Team, and staff had found him very intimidating. He and his wife were estranged, and there were concerns about the appropriateness of discussing the child's progress with the complainant. The complainant had threatened members of staff with physical violence. His complaint was that staff had terminated telephone conversations and declined to meet him when he had arrived at county hall without a prior appointment.

The panel considered that the complex special educational needs assessment process could be made clearer to parents. They also considered that the complainant should

have been fully informed at all stages of the statementing process. During the review panel meeting officers felt constrained about voicing their concerns about possible violence from the complainant, because they did not wish to inflame the situation.

The department has provided substantial training in handling potentially violent situations. The council will introduce clear guidelines to staff to ensure that they are aware that they will be supported should they need to terminate conversations because of threatening or abusive behaviour. At future review panels, staff will state all of the reasons for their decisions, even when these reflect badly upon the complainant. If the corporate complaints officers, in consultation with senior service managers, consider that an individual complainant may be violent and that a review panel hearing would not, therefore, be appropriate, the complainant will be referred straight to the Ombudsman for adjudication.

Case Six - Educational Welfare Service

The complainant was interviewed by the Educational Welfare Service and the police in a routine truancy patrol. The complainant's four children were not at school, but were with their parents in a public place. The complainant considered that the Educational Welfare officers had acted in an intimidating and inappropriate manner, and asked what authority the Educational Welfare officers had to conduct truancy patrols.

The panel found that the Educational Welfare officers had not exceeded their authority in asking the complainant why the children were not in school. However, they considered that Educational Officers should introduce written guidelines and protocols for truancy patrols. The department has accepted this recommendation, which has been implemented.

Case Seven - School Transport

The complainant was entitled to transport to school for his children. However, there is no evidence that he submitted his claim when he became entitled to free transport. The complainant asserts that he did make a claim, and complained that the council had refused to backdate his claim to the date upon which he first became eligible for free school transport.

The review panel found that there was no evidence to support the complainant's case. The balance of probabilities, based on the school transport section's well documented claims procedure, is that no claim was submitted when the complainant said that it was. The review panel did not uphold the complaint.

The complainant was dissatisfied with this finding, and complained to the Ombudsman. The Ombudsman supported the review panel's finding.

4. Further developments

The corporate complaints procedure will be amended to clarify what redress complainants have in circumstances where the corporate procedure is not appropriate.

Further work on capturing and recording complaints on Respond will be carried out.

The council will work with major contractors to establish a minimum level of complaints handling, to be implemented in early 2005. The council will also outline aspirational targets for complaints handling by contractors, to be negotiated as contracts come up for renewal.

CMT will receive regular reports about complaints, giving information about outcomes, trends, and compliance.

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Unpublished documents relied upon in the production of this report: None
Environmental impact of the recommendations contained in this report: None

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