

West Wiltshire District Council

Council

23 June 2004

Review of Complaints Procedure

1. Purpose

To revise the complaints policy/procedure so that the Council learns from any complaints and can use them to improve services.

2. Background

The Council's corporate procedure for handling complaints was examined as part of a routine inspection by the Audit Commission in 2003. The Audit Commission recommended a number of improvements which were accepted by officers, and the Legal Services Manager has revised the procedure.

The draft procedure was reported to and approved by the Standards Committee on the 17 March 2004.

The Cabinet considered the procedure on 5 May 2004 and resolved to adopt the procedure but only to monitor complaints at Stages 2 and 3. I have reflected this in the attached procedure and description of the process below.

3. Key Issues

How the procedure will work: the procedure will, as at present, handle complaints in 3 stages:

- Stage 1 - The officer handling the matter or the relevant service manager will try to resolve the complaint within 5 days.
- Stage 2 - The service manager will try to resolve the complaint within 10 days.
- Stage 3 - The complaint will be handled by or on behalf of the Chief Executive (in consultation with the Portfolio Holder), who will respond within 10 days.

Monitoring: At stages 2 and 3 a record of the following will be made:

- Basic facts such as the name of the complainant, summary of the complaint, the name of any officer complained about and the date and nature of any resolution; and
- What has been learnt from the complaint and any changes that are needed/have been made to services

This information will also be recorded for complaints to the Ombudsman. It

will be reported every 6 months as shown below:

- the Corporate Team will decide whether any corrective action is needed at a corporate level to address recurrent problems;
- the Cabinet will consider whether any changes in service delivery are needed; and
- The Standards Committee will assess whether there are any ethical implications from the complaints; and
- the Internal Overview Committee will scrutinise what has taken place to ensure that all necessary improvements have been made.

Satisfaction with how complaints are handled is a best value performance indicator, but it is only measured once every 3 years. In the intervening years we will survey satisfaction levels in a randomly selected sample of 10% of complainants.

Implementation: Once adopted a comprehensive training programme will begin as shown below. The training will be combined with training for all staff on the new customer care standards which are currently being drawn up.

- All members and staff will be made aware of the new procedure
- Service managers will receive training on all complaints handling.


The Audit Commission recommends that the revised procedure should be included in the Constitution. This will be a good way to demonstrate the Council's commitment to and raise the profile of the policy/procedure.

4. Background Papers

Audit Commission report dated 30.6.03 (File Ref: Chief Exec/45 Room F.10)
Draft complaints policy/procedure (File Ref: Chief Exec/45 Room F.10)

5. Recommendation

The Cabinet recommends that the complaints policy/procedure is approved and recommended to the Council for inclusion in the Constitution.

 Plain English guidance given

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Legal Services Manager

Appendix 1: Draft complaints policy/procedure (available on the web site, on request and in the members' room)

Date of preparation: 4.6.04

WEST WILTSHIRE DISTRICT COUNCIL

CORPORATE COMPLAINTS

POLICY AND PROCEDURE **Draft Complaints Policy and Procedure**

Appendix 1

Policy

Introduction

The Council provides a number of key services within the district which are partially funded by local taxation. Whilst the Council strives to ensure that the public are happy with its services, it acknowledges that this will not always be the case.

When the public are dissatisfied with the Council it is important that our procedure:

1. allows customers to quickly and easily register their dissatisfaction;
2. ensures that members of the public understand why the Council acted/failed to act in the way that it did;
3. enables the Council to quickly identify and remedy any mistakes it may have made;
4. enables the Council to monitor the complaints it receives and learn from them to improve its services;
5. clearly sets out when customers can expect compensation from the Council.

Learning from complaints is an important means of continually improving our services in line with the duty of best value and ensuring we continue to provide the highest possible standards of customer care.

Procedure

1. What is a complaint?

A complaint is:

- an expression of dissatisfaction
- by one or more members of the public
- about the council's action or lack of action or about the standard of a service,

whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.

Complaints about the conduct of councillors will not be handled through the corporate complaints system, but will be reported to the monitoring officer. Consideration will then be given to whether there needs to be a reference to the Council's Standards Committee, and whether the complainant needs advice about making a complaint to the Standards Board.

Sometimes members of the public may simply want to register a comment and do not wish to pursue a formal complaint. The Council will ensure that appropriate action is taken on the comment and treat it as a Stage 1 complaint.

Where a complaint could result in legal action or an insurance claim, the officer handling the complaint must inform the Legal Section and the insurance officer. They will:

- assess the risk;
- decide whether to refer the complaint to the Council's insurers; and
- advise on any action necessary to ensure that customer service is the primary focus for resolving the complaint.

Where a complaint includes an allegation of criminal behaviour the Council will consult the Police before taking any action so as not to hamper any subsequent investigation by them.

Complaints of financial impropriety will be referred to the Council's chief financial officer for resolution in accordance with the Council's Fraud and Anti Corruption Policy.

A complaint may lead to disciplinary proceedings against council staff. Such a complaint will be processed in accordance with this procedure and any disciplinary action will be taken separately in accordance with the council's disciplinary procedure.

Where a complaint relates to the actions of the Council and some other body, for example an organisation with which the council has a 'partnership' arrangement it will be handled in accordance with this procedure as though it were a complaint only about the Council.

The Council will handle complaints relating to the actions of people working on its behalf (its contractors) in accordance with this procedure as though they were complaints about the Council.

2. Process for handling complaints.

The Council has a three stage complaints process. Officers must make every effort to resolve a complaint at the earliest stage in the process possible.

Stage 1:

Complaints may be made by telephone, in person or in writing at this stage.

The officer receiving a complaint in person or by telephone must:

- transfer the complainant to the officer delivering the service (unless the person receiving the complaint can resolve it without needing to transfer the complainant); or
- make and pass to the officer delivering the service a written note of the details of the complaint and contact details for the complainant. The person delivering the service will then contact the complainant to let him/her know the complaint has been received and to say when a response will be given.

The officer receiving a complaint must not transfer or refer the complainant to another officer or organisation without his/her agreement.

The officer delivering the service should try to resolve the complaint as soon as possible, but must in any event respond to a complainant within five days.

Stage 2:

If a complainant is not happy that a complaint has been resolved to his or her satisfaction then he or she should be asked to put the complaint in writing. The Service Manager for the service must investigate the complaint and respond to the complainant within ten working days.

Stage 3:

If the complainant is not happy with the outcome of Stages 1 and 2 then an officer will investigate on behalf of the Chief Executive. The officer will investigate and prepare a response, in consultation with the Portfolio Holder, within ten working days.

3. Resolving Complaints

The officer handling a complaint must:

- (i) make every effort to resolve the cause of the complainant's dissatisfaction; and
- (ii) give a clear and simple explanation of why the Council acted as it did/failed to act.

4. Recording Complaints

The Council will maintain a central register of stage 2 and 3 complaints and complaints to the Ombudsman.

The information below must be recorded in the register of complaints when a complaint is:

- Escalated from Stage 1 to Stage 2; or
 - Made at Stage 3 or to the Ombudsman without having been through the earlier stages of this procedure.
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- (i) the name and contact details of the complainant;
 - (ii) the date the complaint is made;
 - (iii) a short summary of the complaint;
 - (iv) the name of the officer (if any) complained about;
 - (v) a short summary of what the complainant wants the Council to do about the complaint (if anything);
 - (vi) whether the complaint has been resolved (and how);
 - (vii) when the complaint was resolved; and
 - (viii) the stage within this procedure at which the complaint is handled.

If a complaint then moves on to a further stage of the complaints process the register must be up dated with any new information from the above list.

5. Monitoring Complaints

Every quarter a Service Manager must log the number of Stage 2 complaints received as part of their performance monitoring.

Every six months the Legal and Democratic Services Manager will report the number of complaints received and a summary of the nature of the complaints, outcomes and any service improvements that have been identified to

- the Corporate Team, which will decide whether any corrective action is needed at a corporate level to address recurrent problems;
- the Cabinet, which will consider whether any changes in service delivery are needed; and
- The Standards Committee, which will assess whether there are any ethical implications from the complaints; and
- the Internal Overview Committee, which will scrutinise what has taken place to ensure that all necessary improvements have been made.

6. Ombudsman Complaints

If the complainant is not satisfied with the results of a Stage 3 complaint then he or she will be given details of how to complain to the Ombudsman.

The Legal and Democratic Services Manager will co-ordinate the Council's response to correspondence from the Ombudsman..

Where a complaint is upheld by the Ombudsman then the Monitoring Officer

will report the complaint to the Cabinet or Council in accordance with the statutory obligations laid down in the Local Government and Housing Act 1989.

7. Monitoring Satisfaction with Complaints Handling

Best value performance indicator 4 requires that a survey is undertaken every three years of satisfaction with the complaints handling process itself. The Legal and Democratic Services Manager will also conduct an annual satisfaction survey for a randomly chosen sample of 10% of complaints received and resolved during the year.

8. Remedies

When assessing how to make amends for a justified complaint the Service Manager should have regard to guidance on Good Practice Note no. 6: Remedies issued by the Ombudsman.

In summary, any remedy should be sufficient as far as possible to put the complainant in the position he or she would have been in but for the maladministration. The Service Manager should consider the following:

1. Can the Council correct the mistake by some form of action, or by giving an apology?
2. If it cannot, financial compensation should be considered having regard to the complainant's own actions, any quantifiable loss he or she has suffered, the loss of any non-monetary benefit, lost opportunity, professional fees incurred and an element for the time and trouble taken in pursuing the complaint.

Where financial compensation is to be given and the complainant owes the Council money, then it may be appropriate for compensation to be offset against the debt. Clearly, this should not happen where the debt to the Council is the cause of the complaint.