

Audit and Governance Committee

Report of Chief Executive

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AGENDA ITEM: 6

Revised complaints procedure

Recommendation(s)

1. That the Audit and Corporate Governance Committee approves the revised corporate complaints procedure attached as appendix one to this report.
2. To carry out a short review of the complaints procedure every twelve months and a thorough evaluation every three years.

Purpose of Report

1. To seek Audit and Corporate Governance Committee's agreement to proposed changes to the corporate complaints system.

Strategic Objectives

2. A good complaints system helps us achieve our objective of the excellent delivery of key services. It gives us the opportunity to show that we want to be open and honest, that we care about providing a good service and that we value feedback on problems that need attention.

Background

3. Local Government Ombudsman (LGO) guidance recommends that complaints procedures are reviewed on a periodic basis. We last reviewed our complaints procedure in 2008 so it is timely to review it.

4. Some of the other key points contained in the LGO guidance are:
 - councils should have a definition of what constitutes a complaint that includes “an expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response”
 - complaints procedures should take no more than 12 weeks from receipt to resolution
 - two stages will normally be appropriate to deal with most complaints
 - councils should make early direct contact with the complainant to clarify the complaint and the desired outcome
 - procedures should include a robust review by someone who has the independence and authority to ask questions, get at the facts and recommend changes in response to complaints.

The current procedure

5. Although our current procedure is satisfactory for the majority of complaints, there are areas that could be improved:
 - we do not have a definition of what constitutes a complaint
 - we do not ask complainants what outcome they are seeking
 - allowing 15 working days for complaint responses has caused staff confusion during bank holiday periods, which has led to delays in responses being despatched
 - at stage two we do not ask complainants to explain why they are not satisfied with the stage one response. This can result in the stage two response simply repeating the advice given at stage one, which is not a good use of anyone’s time
 - because the strategic director responsible for the service deals with the stage two complaint this has led to complainants questioning the integrity of the process
 - a three stage approach means that complaints often go beyond the LGO’s recommended 12 week timescale; the process can therefore be lengthy, time-consuming and stressful for the complainant
 - when the chief executive has declined a request to put a complaint before a panel of councillors, complainants have questioned the credibility of that stage.
6. In addition to the above, we need to be much clearer about what the complaints procedure cannot achieve or be used for. For example, there is little point in putting a complaint that we’ve granted permission for an extension to a neighbouring property through the complaints procedure because that cannot achieve the outcome the complainant is ultimately seeking, i.e. for the decision to be reversed. If we take this type of complaint through all stages of the procedure

the complainant is likely to reach the conclusion that they've wasted their time. It's therefore important to be clear from the outset about what outcome the complainant is seeking and whether making a formal complaint can achieve that outcome.

7. Furthermore, we need to be very clear that, where there are alternative rights of appeal, we will not carry out an investigation via our complaints procedure because that is not the correct process to follow. For example the Valuation Tribunal is the correct body to consider complaints about council tax liability.
8. Finally, we need to review the complaints procedure on a regular basis to ensure it remains fit for purpose and continues to meet the needs of our residents.

Conclusion

9. As stated in paragraph five above, the current procedure works satisfactorily; however, we haven't reviewed it for four years and there are some areas we could improve to make the process more credible and easier to follow for both staff and members of the public.

Financial Implications

10. There are no financial implications arising directly from this report.

Legal Implications

11. There are no legal implications arising directly from this report.

Risks

12. If we did not have a good, robust complaints procedure members of the public would not know how to make a complaint or how we will deal with it. Similarly, officers would not know how to handle a complaint which could result in complainants not being dealt with fairly and equally. In addition, we would not be able to analyse complaints to identify, and make, improvements.

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