

ITEM 3

**REPORT OF THE SCRUTINY PANEL: To what extent is the Council's
complaints procedure effective and transparent?**

Foreword by Councillor Seaton, Chair of the Scrutiny Panel

This report sets out the findings and recommendations of the Complaints Procedure Scrutiny Panel.

To be completed following the final meeting.

1. Background

At its meeting on 27th March 2013, the Scrutiny Management Board resolved that a Scrutiny Panel be established to consider to what extent is the Council's complaints procedure effective and transparent and that Councillor Seaton be Chair of the Panel. The Panel's first meeting took place on 26th June 2013. The Panel concluded its business at its final meeting on ***date to be added***.

2. Panel Membership

Chair: Councillor Seaton

Councillors Burr, Duffy, Gaskell, K. Jones, S. Jones, Pacey, Radford, Shepherd and S. Smith

The Panel is sad to report that Councillors Burr and S. Jones passed away before the conclusion of the Panel.

3. Terms of Reference and Reason for Scrutiny

The Panel's Terms of Reference, agreed by the Scrutiny Management Board on 27th March 2013 were as follows:

- (i) Is the process for dealing with complaints understood by members of the public?
- (ii) Is the process accessible?
- (iii) Is the process transparent?
- (iv) Does the process keep the complainant informed about the progress and outcome of the complaint?
- (v) Does the Council have the right procedure to meet its needs and does it follow best practice?
- (vi) Do the public feel that their concerns are being listened to?

The Scope Document for the scrutiny review undertaken by the Panel is attached at **Appendix 1**. This sets out the above Terms of Reference and Reason for Scrutiny. The document outlines the position at the conclusion of the Panel's work and, therefore, includes additional stakeholders and resources identified by the Panel as its work progressed, notes added to assist the Panel and a summary of the progress made by the Panel which was reported to meetings of the Policy Scrutiny Group.

4. Evidence, Stakeholders and Witnesses

The Panel received information from the following stakeholders and witnesses:

- Four members of the public who had recently used the Council's Complaints Procedure attended meetings of the Panel in person on 19th August 2013 and 2nd September 2013 (meetings 3 and 4);
- The Panel considered results of a telephone survey undertaken by Contact Centre staff which had sought the views of 76 people who had recently made use of the Complaints Procedure on 19th August 2013 (meeting 3).

The Panel received information from Council officers as follows:

- Meeting 1 (26th June 2013) – Presentation on the Council's Corporate Complaints Procedure from the Cabinet Lead Member for Customer Services, the Head of Revenues, Benefits and Customer Services and the Corporate Service Development Officer;
- Meeting 2 (10th July 2013) – Presentation on how the Waste Operations Team had successfully reduced its complaints figures year on year since 2008/09 from the Head of Cleansing and Open Spaces and the Waste and Recycling Manger;

The Panel considered a report and minutes previously submitted to Policy Scrutiny Group from the Head of Revenues, Benefits and Customer Services detailing a breakdown of complaints for the Housing Repairs Service. The Panel looked at the Repairs and Investment Complaints Satisfaction Summary included in the report, together with details of the discussions of the Policy Scrutiny Group on 10th July 2013 (meeting 2).

The Panel considered the draft Corporate Complaints Monitoring report for the period from 1st April 2012 to 31st March 2013 on 10th July 2013 (meeting 2).

Copies of the following documents were also made available to the Panel as follows:

- Charnwood Borough Council leaflet – 'Have Your Say';
- Charnwood Borough Council – Internal Audit Report – Complaint Handling 2009/10;
- Charnwood Borough Council – Corporate Complaints Procedure 2004 – Guidance Notes;
- Local Government Ombudsman – Guidance on Running a Complaints System – Guidance on Good Practice;
- Centre for Public Scrutiny – Local Government Ombudsman – Aiming for the Best;
- Tenant Scrutiny Group – Complaints Scrutiny Report October 2012.

Technical Support was provided to the Panel by:

David Platts – Head of Revenues and Benefits and Customer Services
Caroline Marshall – Corporate Service Development Officer
Neil Greenhalgh – Head of Cleansing and Open Spaces
Sarah Ritchie – Waste and Recycling Manager

The Panel wishes to thank all stakeholders, witnesses and officers for the assistance provided with its work.

5. Summaries of Panel Meetings

Summaries of the work undertaken at each meeting of the Panel are set out in the “Progress of Panel Work” section of the Scope Document at **Appendix 1**.

Full details of the information provided by witnesses and the issues considered by the Panel are detailed in the notes of the Panel’s meetings listed in Background Papers section of this report, also attached at **Appendix 2**.

6. Equality Impact Assessment (EIA)

The Improvement & Organisational Development Manager stated that the need for an Equality Impact Assessment would be considered following the final submission of the report.

7. Key Findings

The Panel obtained evidence from a range of sources both internal and external as described in section 4 above. The Panel heard of examples of good practice such as that implemented by the Waste Operations Team in ensuring that the contractor has incentives to deliver good customer service and how the team responded promptly to issues raised by customers. The Panel also heard directly from complainants in respect of their concerns regarding delays in receiving responses, lack of ownership of complaints and failure to understand the issues complainants were raising.

The following key findings are set out in sections linked to the evidence the Panel received which led them to those findings.

Information from the draft Corporate Complaints Monitoring report 2012/13 (meeting 2):

- (i) There had been a 13% increase in the number of complaints received between 2011/12 and 2012/13. This had followed a 25% increase

between 2010/11 and 2011/12¹. The vast majority (87%) of these complaints have been dealt with at Stage 1² and this was to be welcomed.

- (ii) Fifteen services had received complaints that had progressed to Stages 2 and 3. In particular the Panel noted the problems faced by Development Control, given that people are often unhappy because a decision has not been made in their favour and given that there is no right of appeal in the planning system when a planning permission is granted, the complaints system is often used as there is no alternative. In these circumstances the way in which the news is given to the customer is of key importance.
- (iii) The report also identified that 62% of the complaints received had been either fully or partly upheld³ and given the increase in the number of complaints received it appears that some services are failing to learn from their mistakes. The implementation of lessons learnt from complaints should therefore be monitored. Service failure accounted for 43% of complaints⁴ and the Panel identified that improvements to communication both between officers and services and with customers would be key to reducing that. The Panel noted that the issue of staff attitude and behavior has also been raised by 14% of complaints⁵ and identified the need for appropriate training and monitoring to ensure that any particular staff issues are highlighted and dealt with.
- (iv) The Panel noted the target response time of 15 working days for Stage 1 complaints and considered that very generous and it identified the possibility of reducing the response time for Stage 1 complaints. Given that Stages 2 and 3 responses required further investigation and often involved a number of officers the 20 days response time appeared acceptable.
- (v) The Panel noted that a number of services in the Council did not use the Contact Centre to receive and log calls. The Panel found that services should be encouraged to use the Contact Centre to allow specialist officers to focus on technical issues and promote a more outward facing approach.

Issues raised from the presentation on the Council's Corporate Complaints Procedure (meeting 1):

- (vi) After hearing a presentation from the officers responsible for the Council's corporate complaints procedure and the Lead Member the Panel found that current ways of working appeared to be causing a rigid working

¹ Section 2.1 of draft Corporate Complaints Monitoring report 2012/13

² Section 2.2 of draft Corporate Complaints Monitoring report 2012/13

³ Section 2.5 of draft Corporate Complaints Monitoring report 2012/13

⁴ Section 2.8 of draft Corporate Complaints Monitoring report 2012/13

⁵ Section 2.8 of draft Corporate Complaints Monitoring report 2012/13

environment which may lead to be an inability in some cases to recognize faults within a Service and apologise. A more centralized and coordinated process to dealing with complaints would assist in challenging any such attitude and would also be beneficial in ensuring consistency and good practice in dealing with complaints. The Panel is aware from the evidence that it received that adopting such an approach is likely to require additional resources⁶ but still believes this is something that should be considered. The recording of calls should also be investigated to ensure the quality of interactions with customers.

- (vii) There should be additional follow ups and quality checks on work undertaken by Council contractors to ensure high standards are maintained.
- (viii) During the course of its work the Panel considered whether it would be appropriate to introduce councillor involvement into the final stage of the complaints process. The Panel could see benefits in doing so but concluded that the more appropriate roles for councillors to play was in scrutinising the effectiveness of the complaints process and, where the complainant wished, ward councillors acting as advocates for the complainant.

Presentation by the Waste Operations Team (meeting 2):

- (ix) The Panel noted how successful the Team has been in reducing its complaints figures year on year from 157 in 2008/09 to 26 in 2012/13⁷. Lessons had been learnt from the previous contract and improvements introduced in the new contract to ensure a more efficient service.
- (x) The Panel noted that regular monitoring of the contract is undertaken by both the Council and the contractor and performance regarding complaints is measured as part of the performance indicator information. A system of financial rewards and penalties is also in place and the Panel noted the success of that.
- (xi) The Panel noted that as part of the new contract a complainant is not expected to justify their complaint, it is usual practice to accept the complaint and try and rectify it as soon as possible, preferably through a face to face meeting.

⁶ Review presentation provided at meeting 6, slide 15

⁷ Environmental Services presentation, slide 5

Issues raised by the complainants who attended meetings, together with the views of respondents who took part in the Corporate Complaints Review telephone survey (meetings 3 and 4):

- (xii) The Panel noted that in 2012/13 only 162 forms had been sent out to determine the satisfaction of complainants and that there was only a 6% response rate (this excludes complaints relating to Landlord Services which were monitored separately during this period)⁸. The Panel was advised that a number of services had used the Contact Centre to undertake out of hours telephone surveys. This was identified as a method for the Panel to gather further evidence of the views of complainants and an option for services to consider in the future.
- (xiii) The Panel commissioned a survey which sought the views of a random sample of 11% of the people who had made complaints to the Council in 2012/13 (76 people). The survey group were asked a series of seven questions which related directly to the Panel's Terms of Reference.⁹ The Panel also heard directly from four witnesses who had used the third stage of the complaints process during the year¹⁰.
- (xiv) The results of the telephone survey highlighted that although 78% of complainants have felt that the Complaints Procedure process had been explained to them, only 58% felt that staff have listened to them and had taken their complaint seriously and only 46% felt that all the issues that they have raised have been addressed. The main issues identified by respondents were delays in receiving responses and failures to keep complainants updated, a sense that the Council did not understand the concerns that they were raising and therefore was unable to come up with appropriate remedies and a lack of ownership of the complaint resulting in a feeling of being passed from person to person within the Council¹¹.
- (xv) The Panel found that the survey results highlighted the same concerns that Panel members had raised during their meetings. The evidence suggested that the Council is good at identifying when things go wrong; however, it then struggles to rectify these problems.
- (xvi) The evidence from the survey result and that received from witnesses highlighted a number of key issues:
 - there appears to be a lack of ownership regarding the issues raised. Problems need to be addressed as soon as possible, ideally though a face to face meeting;
 - there appears to be a lack of communication between officers;

⁸ Section 2.10 of draft Corporate Complaints Monitoring report 2012/13

⁹ Report of Corporate Complaints Review Survey, section 2

¹⁰ See action notes for meetings 3 and 4

¹¹ Report of Corporate Complaints Review Survey, section 3

- the Council needs to be more pro-active in dealing with complaints and ensure that complainants are treated with respect;
 - it would be helpful to have a single point of contact to deal with a complaint from start to finish;
 - the Council is always responsible for work undertaken and any services provided by one of its contractors. It is for the Council to ensure that any contractor is held accountable;
 - summaries of complaints should be sent to the complainant to be agreed before further investigation takes place;
 - the possibility of Council meetings, particularly Plans Committee meetings, being recorded should be considered;
 - revisions to the current Complaints Procedure process should be considered, in particular the possibility of reducing the stages from three to two.
- (xvii) The Panel also noted that people are often unhappy if they have not understood a response or they have failed to receive a response quickly enough and this would look like a lack of empathy with customers. It is not only what is said to a customer but also how it is said to them which is important and the need for appropriate training for staff is paramount to that.
- (xviii) The Panel also noted that when an issue raised by a customer is not dealt with appropriately this could lead to the customer wishing to make a formal complaint. It appears that complaint forms are given out before any attempt is made to try and resolve the situation in another way. It was important that attempts were made to resolve issues raised by customers at the earliest opportunity and that there was a clear understanding about what constituted a formal complaint.
- (xix) The Panel found that communication skills both internally and externally needed to be improved and it was essential that customers know who to contact if they had a problem. This would require further staff training.

8. Linking Key Findings to Panel's Terms of Reference

The Panel reviewed its key findings to determine whether the issues identified in its Terms of Reference and set out in section 3 above have been adequately considered.

The Panel used the evidence it received from complainants via the telephone survey and directly from witnesses to satisfy itself that the complaints procedure is understood by members of the public, accessible and transparent.

The Panel has made a number of findings regarding the fourth item in the Panel's terms of reference. This was in response to evidence it heard that improvements could be made to responding promptly to issues which are raised

by customers, including before they become formal complaints, and ensuring there is a common understanding between the Council and the complainant about the issues that are being raised.

The Panel considered the current corporate approach which underpins the complaints procedure and good practice published by the Local Government Ombudsman and the Centre for Public Scrutiny to inform its findings¹².

Many of the Panel's key findings relate to the final item in its terms of reference. The Panel has made a number of findings relating to trying to ensure that the Council responds proactively to the concerns raised by its customers.

9. Recommendations and Panel Observations Not Requiring Further Action

9(a) Recommendations

Having reached the above key findings, the Panel makes the following recommendations:

1. That the Lead Member and officers responsible for the implementation of the Customer Services Strategy and the development of a revised Corporate Complaints Procedure be asked to consider the following principles identified by the Panel:
 - (a) People should be treated with respect; they were the Borough Council's customers.
 - (b) Internal and external communication needed to be improved, it is essential that people know who to contact if they have a problem when services would be delivered. A single point of contact would be ideal.
 - (c) Problems should be responded to as quickly as possible, ideally through a face to face meeting and in a way which is non-confrontational.
 - (d) Current rules could be causing a rigid working environment and there is an inability in some cases to recognise faults within a service and apologise.
 - (e) There should be more follow ups and quality checks on work undertaken by Council contractors.
 - (f) It was essential to invest in staff and in particular staff training in relation to customer service and dealing with complaints.

Reason – To ensure the most effective Complaints Procedure was in place to enable staff to deal with customers in the most timely and professional manner.

¹² See section 4 above and review presentation provided at meeting 66

2. That the following model for a revised complaints procedure be adopted to reduce the current three stage process to two formal stages, with a firmer emphasis on concentrating resources and effort at the informal stage and an aspiration to resolve an issue at Stage 0:

Stage 0 Informal	<p>Opportunity to put it right before it becomes a formal complaint.</p> <p>Contacts at this stage should still be logged on the complaints system.</p>
Stage 1 Service Review	<p>Service review with input from corporate service development team to provide a sounding board for ensuring that the voice of the complainant is heard and high quality responses are provided which are consistent, in plain English and incorporate lessons from complaints in other services.</p> <p>To be dealt with by more senior officer than at current Stage 1 level.</p>
Stage 2 Independent Review	<p>Independent review led by corporate service development team.</p> <p>To be signed off by Senior Officer, possibly Strategic Director.</p>
Stage 3 Ombudsman	

Issue to be considered – at what level should Caroline Marshall be involved?

Reason – To enable a more streamlined model to be used and to ensure that wherever possible, complaints were resolved at the earliest opportunity.

3. That the Council adopt a clear definition of what constitutes a complaint along the lines that it was any expression by a person that they were unhappy about a Council service or the way it was delivered that requires a response. The difference between resolving a complaint informally (Stage 0) and responding to it formally (Stages 1 and 2) also required clear definition based on an aspiration that at Stage 0 the Council should be asking the customer what it can do to resolve the issue.

Reason – To provide a clear understanding of what constituted a complaint, together with the different types of response that could be provided, as outlined in the Local Government Ombudsmen guidance.

4. That the current response time of 15 days for Stage 1 complaints should be reduced to 10 working days but that the response time for Stage 2 complaints remain at 20 working days.

Reason – The current timescale for a first stage response was too long and a reduction should also help to reduce the time taken to deal with complaints.

5. That a summary of the complaint should be sent to the complainant in all cases during Stages 1 and 2 of the process when complaints are acknowledged with a request that the complainant contacts the relevant officer if they are not happy with that summary.

Issue to be considered – whether to include an offer to discuss the complaint in person.

Reason – To allow the complainant an opportunity to check that they are happy with the officer's summary of the complaint before the complaint progressed.

6. That, subject to obtaining consent from the complainant, details of Stage 2 complaints be provided to the relevant ward councilor(s).

Reason – To ensure that councillors were kept informed of the progress of any complaints related to members of the public in their ward.

7. That when the revised complaints procedure is implemented, training be provided to all staff on the new procedure and its implications for customer service and dealing with complaints.

Reason – To ensure that all staff received relevant training to allow them to offer the most appropriate advice and support to customers including when a complaint was received.

8. That Council meetings, in particular Plans Committee meetings, should be recorded.

Reason – To ensure that there was a record of what was said at meetings should this be needed as part of the investigation of a complaint.

9. That Scrutiny Management Board be requested to include performance information related to the Complaints Procedure to the Performance

Indicator report received on a quarterly basis by the Performance Scrutiny Panel which should include complaint volume and patterns, complaint outcomes and the implementation of lessons learnt.

Reason – To ensure regular scrutiny of the performance and outcomes of Complaints Procedure.

9(b) Panel Observations Not Requiring Further Action

The Panel also wishes to draw Cabinet's attention to the following observations which it considers do not require further action.

1. That the Panel supports the Council's value of 'Customer First – We put the customer at the heart of everything we do' and the commitment in the Corporate Plan that 'Customers will remain at the heart of everything we do and we will strive to ensure people receive the highest possible customer care and that if problems arise, we will take swift action to resolve them.'
2. That the Panel draws particular attention to the following statements in the Customer Service Strategy:

Culture

2.1 Promoting a culture of customer excellence in our staff

- We use innovative approaches to develop and train our staff to provide excellent customer service and customer care;
- Our staff understand, manage and meet our customers' expectations;
- Our staff demonstrate pro-active attitudes and behaviour and are supported in their personal development;

Access

3.1 Making it easy to contact us

- We have a single point of contact for each of our primary access channels (customer service centre, contact centre, web) and all of our services are delivered through those channels;
- We maintain and invest in our primary access channels to respond to and meet our customers' current and future needs and expectations;
- We ensure that our public areas and meeting rooms provide a welcoming environment and professional facilities;

Quality

4.3 Keeping the customer informed and dealing effectively with problems

- We provide as much information as possible to our customers at the initial contact point and keep our customers informed at each stage of the customer journey;
 - We empower staff to take responsibility for delivering their service and taking action if things go wrong;
 - We use customers' feedback and complaints to improve our services.
3. The success of the Council's Waste Operations Team in reducing its complaints figures year on year since 2008/09 should be acknowledged and the procedures they follow should be used as an example for other services to follow.

10. **Background Papers**

- Scope Document (Appendix 1)
- Agenda Papers and Notes of Panel meetings available on the Council's website at:

Meeting 1 - 26th June 2013

Meeting 2 - 10th July 2013

Meeting 3 – 19th August 2013

Meeting 4 – 2nd September 2013

Meeting 5 – 3rd October 2013

Meeting 6 – 14th November 2013

Notes of above Panel meetings also attached (Appendix 2)

- Information considered by the Panel as detailed in Paragraph 4 of this report and available on request and internally at:
http://info.charnwood.local/sites/Policy_Scrutiny_Group/Lists/Complaints%20Procedure%20Panel/AllItems.aspx