

Cheshire East Borough Council

Corporate Policy & Procedure

Complaints, Suggestions &
Compliments

April 2009

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1. Introduction

- 1.1. Feedback from customers in the form of complaints, compliments and suggestions is essential in refining services to meet their needs. It can not only highlight areas where services are failing to meet expectations but can also highlight areas where changes can deliver efficiencies for Cheshire East Borough Council. It can also stimulate the joining up of services with other community partners to deliver not only the customer's immediate needs but their related ones as well.
- 1.2. So often in the past organisations have continued to disappoint customers, not only in relation to an actual service failure but also in terms of the customer's experience in seeking the resolution of that failure and ensuring that the root cause has been resolved.
- 1.3. Similarly, organisations have provided insufficient opportunity for their customers to provide feedback about the services they experience and insufficient interest in that feedback when it is given.
- 1.4. Councils nationally are now charged with recognising and addressing unnecessary or avoidable customer contact as a national performance indicator - NI 14. This is about getting it right first time, keeping customers informed and addressing the root cause of failure.
- 1.5. The vast majority of customers neither complaint nor suggest improvements because they feel that it won't make any difference and this needs to change.
- 1.6. An organisation can be judged by the way it encourages customer feedback and demonstrates that such feedback is acted on and makes a difference.
- 1.7. An organisation can also be judged by its ability to say sorry when they get it wrong demonstrate that they have learned from it and have put things right.

All Cheshire East Borough Council staff will be expected to be positive about, and encourage, customer feedback

And

Be expected help to improve and safeguard the image and reputation of the Council in the way they respond to Complaints, Suggestions and Compliments

2. Background

- 2.1. This policy has been formulated using guidance from the Local Government Ombudsman to create a robust process affording the complainant maximum opportunity to have their complaint or suggestions thoroughly

examined, and if necessary, to have them escalated through appropriate levels of management and officers independent of the specific business area.

- 2.2. From 1st April 2009 Cheshire East Borough Council will take over local government services from the existing Cheshire County Council, Macclesfield Borough Council, Congleton Borough Council and Crewe & Nantwich Borough Council. On this date the new authority will assume sole responsibility for the receipt and processing of complaints and suggestions about the services it provides.
- 2.3. This policy details the approach the Council will take in handling these complaints and suggestions. This will also include the complainant's rights and options during and after the process and what they can do if they are dissatisfied with the council's response.

3. What is a Complaint?

(Incorporating the Local Government Ombudsman definition)

- 3.1. Councils need to be clear about whether they have received a complaint, rather than a request for a service or a request for an explanation of a decision. So it is helpful to define and publicise what the council means by 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.

Examples include

- Failure to consider relevant matters in coming to a decision.
 - Failure to implement a decision.
 - The behaviour or perceived behaviour of individual employees.
 - Delays in responding to matters
 - Failure to provide a service that should be provided.
 - Failure to fulfil statutory responsibilities.
 - Discrimination.
- 3.2. Sometimes members of the public may complain without describing their communication as a complaint. It is important that these are not overlooked.

Cheshire East Borough Council will ensure that awareness training is given and refreshed to all staff interfacing with the public to ensure that these all complaints are captured and progressed.

- 3.3. Complaints may come from the person who experienced the service deficiency, or by someone acting on their behalf.
- 3.4. It is important that people are put in touch with a suitable agency, which can help them, or be provided with help from the Council itself. No one should be excluded from the complaints system because of any difficulties they may have in representing themselves.
- 3.5. Sometimes people may have a significant difficulty, but this may not be immediately apparent (for example, inability to read and/or write).

Cheshire East Borough Council will provide help people to ensure that they are able to make a complaint and to pursue it.

4. What is NOT a Complaint

(Incorporating Local Government Ombudsman advice)

- 4.1. Statutory procedures for dealing with certain kinds of complaints about social services See Page 10. Complaints about these matters will be dealt with under the statutory procedures, not through the Council's Corporate Complaints Suggestions & Compliments system.
- 4.2. Some complaints may have some statutory aspects and some non-statutory aspects. The Council will choose to handle the whole complaint through the statutory procedure; or adopt some other option. However, it will ensure that whole of the complaint is dealt with.
- 4.3. Where there is a right of appeal to, or review by, a Minister or tribunal or within the council, it is reasonable to expect the complainant to use those ways to resolve a dispute and not to put the complaint through the complaints system. Advice will be available to prospective complainants about these dedicated ways of resolving disputes.

For example

- Appeal to a Panel or Committee of the Council.
 - Appeal to an independent arbitrator, for example, Planning Appeals.
 - Appeal to the Crown, Magistrates or County Court.
- 4.4. Another example is where the Council is exercising its regulator powers unless the criticism relates specifically to the way the matter has been administered,
 - 4.5. In some cases the complainant could go to court to seek a remedy and it is reasonable to expect the complainant to do so. In such cases the complaint may not be suitable for the Corporate Complaints Suggestions & Compliments system. However, the Council will consider any aspect, which has not been or could not have been dealt with in alternative proceedings.

- 4.6. The Corporate Complaints Suggestions & Compliments system will include provision for the early use of independent mediation. This is a suitable and useful approach in some cases if the person complaining would like to follow that route.
- 4.7. Complaints about the conduct of councillors will not be handled through the Corporate Complaints Suggestions & Compliments system. Complaints about councillors' conduct will be reported to the Council's monitoring officer and he or she will then consider 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.
- 4.8. Allegations of criminal behaviour will be given special care. The Council will ensure that it does not deal with the allegation in any way that could hamper an investigation by the police. To ensure this happens there will be consultation with the police before any action is taken on the allegation. The monitoring officer will also be alerted about complaints involving any kind of alleged unlawful actions of the Council and its staff.

Cheshire East Borough Council will ensure that full information is given to complainants at the outset about the possibility of pursuing an alternative route and what the implications could be in relation to the Council's complaints process.

5. Remedies

- An apology.
- The provision of the service required.
- Repayment of any nominal out of pocket expenses.
- Where it is considered an ex-gratia payment is appropriate the matter should be referred to the Chief Executive.

6. Responsibilities and timescales

- 6.1. The complaints procedure has four distinct stages:

Stage 1	-	First contact - Informal
Responsibility	-	An officer dealing with the service being complained about (supervisor/unit manager)
Action and timescales		<p>Acknowledgement by email, letter or telephone within 3 working days.</p> <p>Any service failure will be put right wherever possible with the minimum delay and fuss.</p> <p>The time limit for dealing with this is 7 working days. However, if it is clear that the matter will require more in-depth investigation the complainant will be advised within the 7 working days that the matter will require</p>

		<p>more detailed investigation and a response will be provided within a further 20 working days. It then moves to Stage 2</p> <p>If the complaint is "resolved" within the 7 working day period but the customer is not satisfied he or she may take their complaint to Stage 2</p>
Stage 2		Informal
Responsibility		Service Head, from the service being complained about.
Action & Timescales	-	<p>If the customer has taken their complaint to stage 2 they will be informed that it will be responded to within 10 working days or 20 working days if the issue is more complex</p> <p>The complaint will be investigated in a structured way and reported back to the customer within the 10 or 20-day period.</p> <p>If the person or organisation is dissatisfied with the response they may take their complaint to Stage 3</p>
Stage 3		Formal
Responsibility		Chief Executive or nominated Director.
Action & Timescales	-	<p>If the customer has taken their complaint to stage 3 they will be informed that it will be responded to within 10 or 20 working days</p> <p>Formal investigation – a complaint will be investigated in a structured way and reported back to the customer within 10 or 20-day period</p> <p>If the customer or organisation is still dissatisfied then they will be given details of how to contact the Local Government Ombudsman</p>
Stage 4		Formal - Ombudsman
		Local Government Ombudsman (LGO),
Action & Timescales		<p>Help and Advice will be given to enable the complainant to contact the Local Government Ombudsman (LGO). – Website – Leaflet etc.</p> <p>The Ombudsman will consider the matter and may or may not decide to intervene - see section 7 below</p>

Compliments		Stage 1 only
Responsibility		Service Head,
Action & Timescales		Contact made with the customer within 7 working days thanking them for their compliment

Suggestions	Stage 1 only unless failure to take on board becomes a complaint
Responsibility	Service Head or Director
Action & Timescales	Acknowledgement within 3 working days and Letter within 7 working days (or 20 working days if more complex)

7. Local Government Ombudsman (LGO)

- 7.1. The complainant may refer their complaint and response from the council to the LGO. This referral can take place at any stage of the process and the council may not necessarily be notified of the referral by the complainant.
- 7.2. In normal circumstances, where a complaint is referred to the LGO and has not passed through all stages of the council's complaint process, the LGO will refer the complainant back to the council process in order that the Council may have the opportunity to resolve the complaint.
- 7.3. Where the complaint remains unresolved to the satisfaction of the complainant following completion of the council's complaints process, the LGO may elect to fully uphold the complaint, partially uphold the complaint or reject the complaint as un-justified.
- 7.4. Regardless of the result of any LGO ruling, both the complainant and council will be notified in writing of that ruling.
- 7.5. The Council will always endeavour to respect the ruling of the Ombudsman

8. Capture, Escalation & Monitoring

- 8.1. Below is a brief description of the system which will capture, escalate and monitor submissions:
 - a) There will be full information on the Council's Website and in leaflet form in customer access points of:
 - The Council's service standards
 - The customer care and service development ethos
 - How to make a complaint, suggestion or compliment
 - A central address and telephone number to make complaints, suggestions and compliments
 - What the customer can expect to happen and when
 - What the customer can do if they are not satisfied with the Council's response
 - The Council's Knowledge Base supporting customer advisors in the Council's customer contact centres and information centres provides comprehensive information about making a complaint or suggestion

- b) The ability of customers to make submissions via any of the Council's access channels
- c) The ability of customers to access the Council's website and complete a complaints, suggestions or compliments e-form.
- d) If via the Website, the customer is automatically issued with an automated acknowledgment and a reference number and information about what they can expect in terms of a response.
- e) The contents of this e-form automatically populate a networked database administered centrally within Customer Services. An alert is sent to Customer Services with details of the submission.
- f) Submission received by telephone, letter and email will be entered into the system either by Customer Services or by the receiving service based Complaints, Suggestion and Compliment Co-ordinator. In the future, corporate central post handing and document imaging and the forthcoming customer relationship management system will enable some of these submissions to be captured centrally.
- g) If submissions are submitted other than via the Website, Customer Services or service-based co-ordinators will send an acknowledgement letter or email within 3 working days
- h) Customer Services will oversee the database and for submissions received by the website or directly by customer services they will update the database and if necessary allocate submissions via a series of drop down menus to the relevant service-based Complaint, Suggestion or Compliment Co-ordinator.
- i) Once in the database and a service co-ordinator has been identified the system emails the relevant service- based co-ordinator with the details, a reference and a link to the database.
- j) The service co-ordinator is responsible for investigating the matter responding to the customer, updating the system to that effect and ultimately closing the submission.
- k) Failure to action the requests within predetermined intervals set within the system will generate reminders and alerts to co-ordinators, heads of service and directors.
- l) The system provides detailed and statistical information regarding type of submission including closed or open and whether they are within corporate guidelines in terms of response.
- m) Where a submission is for multiple issues a single co-ordinator is chosen to provide a composite response

- 8.2. The Customer Services Manager will prepare quarterly monitoring reports setting out:
- Type and numbers of Complaints, Compliments and Suggestions
 - At which stage they were resolved
 - Results of stage 3 appeals and report the findings.
 - Trends, failure resolution and areas requiring further improvement
- 8.3. Service Heads will also monitor reports on a quarterly basis to assess trends and what actions has and should be taken.
- 8.4. Annually the Chief Executive and the Corporate Management Team will review the operation of the complaints procedure and quarterly receive a strategic overview of trends of complaints from the Customer Services Manager.

The Council will periodically publish an overview of complaints, suggestions and compliments and the Council's response to them on the Website and in Borough Newsletters to demonstrate their effectiveness in improving services

9. Persistent and Vexatious Complaints

- 9.1 Where complaints or requests for information have been identified as repeated or vexatious, the relevant Head of Service will determine what action to take and will notify complainants, in writing, of the reasons why their complaint or request has been classified as repeated and/or vexatious and the action that will be taken.
- 9.2 A record will be kept, for future reference, of the reasons why a complaint or request has been classified as repeated or vexatious.
- 9.3 A Head of Service may decide to deal with repeated or vexatious complaints in one or more of the following ways:
- a. By letter, setting out responsibilities of the parties involved if the Council is to continue processing the complaint or request. If these terms are contravened, consideration will then be given to implementing other action as indicated below:
 - b. Decline contact with the complainant or requestor, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant or requestor will be notified of this person.
 - c. Notify the complainant or requestor, in writing that the Council has responded fully to the points raised and has tried to resolve the complaint

or answer the request, that there is nothing more to add and continuing contact on the matter will serve no useful purpose.

- d. Inform the complainant that the Council reserves the right to seek legal advice on unreasonable or vexatious complaints.
- e. Temporarily suspend all contact with the complainant or requestor, in connection with the issues relating to the complaint or request being considered repeated and/or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government Ombudsman, Information Commissioner or External Auditor.

10. Adult Social Care & Children Social Care Complaints

10.1 Social Care complaints are governed by Statutory Instrument 2006 No. 1681, The Local Authority Social Services Complaints (England) Regulations 2006.

10.2 These regulations contain strict rules, procedures and time frames that make it impossible to incorporate these kinds of complaints into the corporate complaints procedure. The Local Government Ombudsman also advises against this practice.

It is important to ensure that any Social Care Complaints that are submitted to the Corporate Complaints, Suggestions & Compliments System are immediately recognised and transferred to the Director of People or his or her notified representatives to ensure that they are properly recorded and responded to.