

DRAFT

Corporate Complaints and Feedback Policy

Document Control			
Document Title	Corporate Complaints and Feedback Policy		
Version Number	0.1	Author/ Owner	Beth Cordingley/ Judy Hibbert
Date Approved		Document Status	
Effective Date		Approved by	
Previous version		Date of Next Review	

Version Control			
Version	Author	Date	Changes
0.2		22/12/2020	Feedback from One Legal – minor grammatical changes.
0.1		10/12/2020	Feedback from ELT – rephrasing of investigation timescale to recognise that the majority of complaints can be investigated and fully responded to within 10 working days.
1.0		30/11/2020	None - first draft for consultation

Contents

1	Purpose	3
1.1	<i>Improving standards</i>	3
2	Underpinning principles of the policy	3
2.1	<i>Local Government and Social Care Ombudsman guidance</i>	4
3	Identifying a complaint	4
3.1	<i>Scope</i>	5
4	Complaints procedure	6
4.1	<i>Making a compliment, comment or complaint</i>	6
4.2	<i>Complaint stages in brief</i>	7
4.3	<i>Supporting staff</i>	8
4.4	<i>Unreasonable and persistent complainants</i>	8
4.5	<i>Learning</i>	8
4.6	<i>Remedies</i>	9
4.7	<i>Equality and Accessibility</i>	9
5	Roles and Responsibilities	9
5.1	<i>All staff</i>	9
5.2	<i>Heads of Service Areas</i>	9
5.3	<i>Directors</i>	10
5.4	<i>ELT</i>	10
5.5	<i>Councillors</i>	10
5.6	<i>Partner Organisations</i>	10
5.7	<i>Customer Relations</i>	10
6	Recording, Reporting and KPIs	11
6.1	<i>Recording Complaints</i>	11
6.2	<i>Key Performance Indicators (KPIs)</i>	11
6.3	<i>Complaints reporting</i>	11
6.4	<i>Complaints documentation retention policy</i>	11
6.5	<i>Policy review</i>	11

1 Purpose

The policy provides a single, shared approach to customer compliments, comments and complaints for Cheltenham Borough Council (“the council”) based on best practice guidance from the Local Government and Social Care Ombudsman.

The policy provides a clear approach for customers, staff, managers and councillors which:

- defines complaints;
- ensures a fair and consistent approach to complaint handling;
- ensures that complaints are recognised and logged using the council’s complaints process;
- ensures a timely response and thorough investigation of customer concerns;
- recognises excellent customer service reported as compliments;
- acknowledges customer insights reported as comments.

It is the basis for a complaints procedure used by all teams across the councils which:

- defines roles and responsibilities;
- drives improvements to policies, procedures and staff training as a result of learning from complaints.

1.1 Improving standards

We aim to improve standards, increase customer satisfaction and reduce complaints by:

- having an accessible, simple complaints process;
- recording customer complaints;
- handling complaints fairly and consistently;
- investigating each complaint thoroughly on its own merits;
- apologising and putting things right as quickly as possible where we have fallen short of our standards;
- replying to customers, addressing all of their concerns;
- learning from complaints;
 - improving processes or procedures;
 - identifying training needs and implementing training;
 - effectively managing our relationship with our partners and contractors;
 - reporting on complaint trends and learning from complaints;
- keeping to our legal responsibilities, our own policies and processes and published service levels;
- recognising excellent work and customer service, including where identified by compliments, making this an example to follow;
- where appropriate acting on customer feedback to improve policies, processes or services.

2 Underpinning principles of the policy

This policy is based on best practise and Local Government and Social Care Ombudsman (LG&SCO) guidance: Effective Complaint Handling for local authorities 2020.

2.1 Local Government and Social Care Ombudsman guidance

2.1.1 Complaints Standards – Principles of effective complaint handling:

- Getting it right: do the simple things well, by complying with the law and following your own policies
- Being customer focused: Make your complaints process easy to find and use, and keep complainants informed.
- Being open and accountable: There should be no surprises. Complaints processes should be transparent, and be honest when things have gone wrong.
- Acting fairly and proportionately: Explain your thinking. Base decisions on sound evidence, and explain clearly why they were made.
- Putting things right: Make amends. If something has gone wrong, apologise and take steps to put right any injustice caused.
- Seeking continuous improvement: Complaints are a great learning tool. Put systems in place to capture the lessons, which will help improve services.

2.1.2 The right person at the right time

For a complaints process to work properly it is vital the right people are involved and can make changes when something goes wrong. Robust oversight of complaint handling and of that of third party organisations is needed. To ensure effective governance the golden triangle of statutory officers should be aware and engaged with complaints, and will intervene at the right time if needed:

- Chief Executive
- Monitoring officer
- Section 151 officer

2.1.3 CBC key complaints principles

In addition to the Ombudsman guidelines, CBC will uphold the following key complaint handling principles:

- accessibility - accessible to all (staff and public) and well publicised;
- communication - direct and continued contact with the complainant, effective contact with partners and across teams, effective feedback to learn and make improvements;
- timeliness - no longer than 12 weeks to resolution, in accordance with LG&SCO guidance;
- fairness - clear roles and responsibilities, responses are proportionate, impartial approach;
- credibility - managed by someone who can implement changes; authoritative review stage, effective leadership giving complaints handling and learning from complaints a high profile;
- accountability - information is provided clearly and is properly managed, follow up on decisions to ensure implementation, regular monitoring of timescales and satisfaction, periodic review of process.

3 Identifying a complaint

A complaint is 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.

There is no wrong door for a complaint, and there is no difference between a 'formal' and 'informal' complaint, both are expressions of dissatisfaction that require a response.

Customers are not obliged to use the word “complain” or “complaint” when expressing dissatisfaction. All staff will therefore need to be able to recognise when a matter should be treated as a complaint.

Things to consider when a complaint is received:

- Does the service user want to pursue a complaint?

They may have an outstanding request for a service that hasn't been actioned. Whilst there is something that the council can do to put it right it should be actioned as a priority. However, the council must be able to identify when repeated service failure becomes a complaint.

Example: “I have reported this issue on 3 previous occasions. I have not received a reply and the problem is still happening.”

- Has the complaint already been considered and responded to?
- Is the complaint within the scope of the authority's complaints procedure?

Please see Scope below for the types of complaints we will consider.

Complaints are valuable in identifying when we need to put things right with customers. They show where the council is falling short of its standards, where processes, policies and procedures need changing and improving and where members of staff need training or guidance.

3.1 Scope

3.1.1 Complaints which will be investigated under the complaints procedure

The policy includes complaints about the council's:

- quality of service or workmanship;
- staff attitude and behaviour;
- time taken to respond to or resolve an issue;
- lack of response;
- incorrect advice or guidance given;
- poor quality of a response;
- unfair or unclear decisions;
- breach of data protection.

This policy also includes the council's approach to compliments and comments.

3.1.2 Complaints which will not be investigated under the complaints procedure

- Complaints about services provided by other councils (for example, street lighting, pot holes, schools). Complainants should be directed to the organisation concerned, such as Gloucestershire County Council.
- Complaints related to the private business of partner organisations and contractors. The customer should complain directly to the organisation or contractor.
- Complaints related to issues where legal action is under way.
- Complaints where there is an existing right of appeal outside the complaint procedure (eg parking charge and planning appeals).
- Complaints that have already completed the council's internal complaints process.
- Complaints that have already been investigated by the Local Government and Social Care Ombudsman.
- Complaints about cases dealt with under the Freedom of Information Act or Environmental Information Regulations. There is a separate process for this.
- Complaints related to legislation or government regulation.

- Complaints about district, town or parish councillors. Complaints about councillors are investigated by the Monitoring Officer.
- Complaints about an alleged breach of the Members' Code of Conduct, including complaints against member, cabinet or full council decisions will be referred to the council's Standards Committee.
- Petitions. Anyone who lives, works or studies in the district may petition the council or the Cabinet about any matter which causes concern to them and affects the Borough this is a separate process to raising a complaint. More information on how to petition can be found in the council's constitution.

3.1.3 Third party partner complaints

The council has entered into several shared service and partnership arrangements with other organisations to deliver quality services in an efficient, cost-effective manner. The council remains ultimately responsible for third party actions including complaints handling. The law says the Ombudsman can treat the actions of third parties as if they were actions of the council where any such third party arrangements exist.

Ubico Limited is responsible for delivering the councils environmental services; it is wholly owned by Cheltenham Borough Council and 6 other local authorities, each is an equal shareholder. This policy covers complaints about services delivered on our behalf by Ubico Limited.

The councils housing stock is managed by Cheltenham Borough Homes Limited (CBH), an ALMO (arm's length management organisation) that also provides the housing options service. CBH has its own complaints procedure. Housing complaints are not covered by this policy and should be made directly to them using their [complaints procedure](#).

The council's Leisure and Culture services are provided by The Cheltenham Trust. This is an independent charitable trust, contracted to supply leisure and cultural related services to Cheltenham Borough Council via a management agreement.

Appendix 2 details all third party complaints procedures.

4 Complaints procedure

The council is committed to providing excellent customer service first time, every time.

We welcome feedback, positive or negative. We recognise individuals and teams who have provided excellent service and we work hard to improve service where it is not as good as it should be.

We realise that sometimes we fall short and where customers are not satisfied then a clear and simple complaints process is in place to put this right.

4.1 Making a compliment, comment or complaint

Customers can register a compliment, comment or complaint via any communication channel: online form, email, social media message, telephone, letter or face to face.

The council will not usually investigate complaints where the complainant does not complain to the council within 12 months of becoming aware of the matter. The council will also not investigate complaints where the complainant has not been directly affected by the matter.

4.1.1 Compliments

Customers can give compliments to any department and their compliment will be logged and forwarded to the manager of the team or member of staff concerned.

4.1.2 Comments

Customers can make comments to any department and their comment will be logged and forwarded to the Head of Service of the team or service area concerned.

Comments are reviewed and where appropriate, action taken to improve policies, processes or services.

4.1.3 Complaints

Customers can make complaints to any department and their complaint will be logged and follow the complaints process.

Customer complaints are acknowledged as soon as possible and responded to within the timeframes set out in this policy by a named individual. Where it becomes clear that a complaint is complex and will take longer to resolve, we will contact the customer to let them know.

Where complainants remain dissatisfied with the council's response their next steps are clearly laid out in our response and also on the council's website.

Customers may complain anonymously. Their complaint will be registered but they cannot receive a response and depending on the detail of the complaint it may not be possible to investigate.

4.2 Complaint stages in brief

The complaint stages are explained in more detail in the complaints procedure, as are roles of the investigating officer at each stage.

4.2.1 Stage 1: Investigation

The complaint is assigned to the Head of Service or a Senior Council Officer for the service area the complaint relates to ("investigating officer"). The investigating officer responds to the complaint promptly, and within 10 working days unless the matter is complex or further time is needed.

Where it is not possible to reply in time, the customer is notified of the need for an extension.

It is expected that all complaints will be dealt with as a priority.

Note: initial complaints sent directly to the Chief Executive will still be logged as a Stage 1 complaint unless there are exceptional circumstances.

4.2.2 Stage 2: Appeal and internal review

If the customer remains dissatisfied then they must contact the council to appeal within 1 month (eg if the response is sent on 28 March then the customer must appeal by 28 April). Appeals received outside this timescale will not usually be investigated.

If a complainant decides to appeal, they will be requested to advise why they are dissatisfied with the responses given in response to the stage 1 investigation and what more they believe the council could reasonably do to remedy the complaint. Appeals which raise new points will be investigated as a new Stage 1 complaint.

The complaint is usually assigned to the Director for the service area the complaint relates to. The Director reviews the appeal of the council's stage 1 investigation, and responds to the complainant within 15 working days. Where it is not possible to reply in time, the complainant is notified of the need for an extension.

The response at stage 2 must objectively scrutinise the stage 1 complaint handling and investigation as well as looking in to the complaint in hand. The test for maladministration should be considered, comparing what did happen to what should have happened.

If the complainant remains dissatisfied then they will be signposted Local Government and Social Care Ombudsman. It should be noted that public bodies cannot lodge a complaint with the Ombudsman, the complainant must do this directly.

4.2.3 Ombudsman

If a complainant has been through all stages of the council's complaints procedure and they remain dissatisfied, the complainant can ask the Local Government and Social Care Ombudsman to undertake an independent review of the complaint.

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service. The Ombudsman expects a complaint to have been through the council's complaints procedure before they will investigate. However, if a complainant has not had a response from the council within a reasonable time, (within 12 weeks), it may decide to look into their complaint anyway.

4.3 Supporting staff

A separate internal procedure will support staff in identifying complaints by providing a complaint investigation framework and stage one and two response letter templates.

The investigation framework will raise the standards of the council's complaint investigations by ensuring they are carried out in a consistent and timely way, whilst ensuring that each case is considered individually.

The Customer Relations officer will give advice and guidance at all stages of the complaints process and will ensure that the right people are involved at the right time. They will also quality check the response for completeness.

4.4 Unreasonable and persistent complainants

The council has a separate policy regarding unreasonable and persistent complainants. If a complaint falls into this category then that policy takes precedence over the standard complaints policy.

4.5 Learning

The decision letter / email will clearly identify the issues that were investigated along with the outcome in respect of each issue. The council will aim to ensure that letters and email responses are clear, succinct and avoid jargon or technical language where appropriate.

The council will apologise where mistakes have been made and inform complainants of the remedial action taken to try to ensure that mistakes are not repeated. The council recognises that learning from complaints is a powerful way of helping to develop and improve the services that are provided and to increase trust amongst users of council services. We have systems to:

- record, analyse and report on the outcomes of complaints and remedies;
- apply the information to improve services to our residents.

4.6 Remedies

The general principle the Local Government & Social Care Ombudsman promotes is that the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. The council's investigation should establish with the complainant what they consider to be a reasonable and fair outcome of the complaint.

The council will look carefully into the root causes of problems and recommend improvements to systems, so that others do not suffer the same problems in the future.

An apology is a remedy that is common to all complaints. A meaningful apology will be made directly to the person affected using clear and plain language and where appropriate include an assurance that the same fault will not happen again and the steps that have been taken to ensure this. The responsibility for making the apology rests with the service area as a whole, not a specific officer.

The council aim to remedy personal injustice wherever our investigations reveal there is fault. The council may reimburse a person who has suffered a quantifiable loss, or may make a symbolic payment that serves as an acknowledgement of the distress or difficulties they have been through.

Where the complainant has paid for a service but the council has failed to provide the service, either at all or to an acceptable standard, a remedy may include the refund of all or part of the complainant's expense. The level of refund will reflect the difference between the service provided and the service paid for.

4.7 Equality and Accessibility

The council is committed to making sure that all complainants are able to put their voice forward. This policy can be produced in different formats upon request including large print and braille. The council also subscribes to a translation service.

5 Roles and Responsibilities

5.1 All staff

- Familiar with how to recognise compliments, comments and complaints, and how to log them, or where to find guidance on the process.
- Resolve issues at first point of contact where possible, and referring them to the complaints process where not possible.
- Able to explain the compliments, comments and complaints process to customers confidently.
- Staff forward compliments, comments and complaints to Customer Relations to be logged.

5.2 Heads of Service Areas

- Encourage and promote resolution of issues at first point of contact where possible and encourage staff to use the complaints process where not possible.
- Encourage and support the culture of logging, resolving and learning from complaints.
- Investigate complaints at and provide the stage 1 response within timeframes.
- Implement learning and identified improvements.
- Investigate trends of complaints within own service area.
- Reward and recognise staff and team when compliments are received.
- Review comments to service area, respond where necessary and implement improvements where needed.

- Lead on information gathering and responses for cases investigated by the Ombudsman.

5.3 Directors

- Investigate stage 2 complaints; fully reviewing our investigation and response at stage 1.
- Encourage and promote the culture of logging, resolving and learning from complaints.
- Reward and recognise staff and teams when compliments are received.

5.4 ELT

- Provide a supportive environment for managers in complaint resolution and implementation of learning from complaints.
- Support and promote council-wide improvements where identified.
- Encourage councillors to follow the complaints procedure.

5.5 Councillors

- Familiar with how to recognise compliments, comments and complaints, and how to log them.
- Resolve issues at first point of contact where possible, and refer them to the complaints process where not possible.
- Able to explain the compliments, comments and complaints process to customers confidently.
- Forward compliments, comments and complaints to Customer Relations to be logged.
- Where a councillor has referred a complaint to the council then both they and the customer will receive a copy of the response.

5.6 Partner Organisations

- Forward complaints to Customer Relations to log where the complaint falls within the councils' responsibility.

5.7 Customer Relations

- Administering the complaints procedure: Log compliments, comments and complaints when received.
- Key point of contact for complainants.
- Roll out of training and information on the policy and procedure to all staff and councillors.
- Ensuring website and customer information on how to make a compliment, comment or complaint are kept up to date.
- Advice & guidance to all staff at all levels. Including advice and guidance to managers on complex complaint cases.
- Quality control and advice on complaint responses.
- Reporting on KPIs and implemented learning.
- Ombudsman case administration.
- Ombudsman case reviews where decision shows council service failure or maladministration.

6 Recording, Reporting and KPIs

6.1 Recording Complaints.

One central complaints log will be used for complaints from all service areas. The log will be managed by customer relations.

6.2 Key Performance Indicators (KPIs)

6.2.1 % of complaints upheld or partially upheld

This indicator will measure the percentage of closed complaints where there has been a service failure.

6.2.2 % of complaints responded to within published timeframes

Response times manage customer expectations and ensure they are responded to within a reasonable time frame. This avoids risk of maladministration from failing to meet our own standards.

6.3 Complaints reporting

6.3.1 KPI reporting

KPI data will be inputted in to Clearview allowing for real time reporting.

6.3.2 LG&SCO

The LG&SCO produces an annual report regarding CBC complaints that have been referred to the Ombudsman. The report details complaints that the Ombudsman has upheld and any remedies that recommended. This report is sent to Customer Relations, the Chief Executive, the Leader of the Council and the Chair of the Overview and Scrutiny Committee.

6.3.3 Annual reporting

Customer Relations will report annually to ELT and the Overview and Scrutiny Committee with the annual KPI performance and key learnings. This will be reported in conjunction with the LG&SCO report.

6.4 Complaints documentation retention policy

It is the council's policy to retain complaints documentation for 24 months from the date of our final response.

6.5 Policy review

The policy and procedure will be reviewed annually and additionally updated in line with any changes to advice from the Ombudsman.