

Whole Authority Complaints and Compliments Procedure



monmouthshire
sir fynwy

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Version Control

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1. Scope of procedure

This procedure is designed to fit with the Council's:

- Whole Authority Complaints Policy
- Statutory Social Services Policy
- Local Complaints Policies used by Schools
- Unacceptable Action by Complainants Policy

It is based on, and reflects, the Complaints Wales single complaints policy for the public sector in Wales. All complaints about services provided by the Council (including complaints relating to compliance with the Welsh Language Measure (Wales) 2011 Service Delivery standards or due for provision by the Council except:

- Services provided by schools, which are subject to separate policies within each school

In all circumstances, due regard should be paid to the particular circumstances of the complainant in the light of the protected characteristics defined by the Equalities Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Which document applies?

The Whole Authority Complaints Policy should apply in all circumstances except for a complaint about a school, as may the Unacceptable Actions Policy. In any given case, only one of the other three will apply, according to the nature of the complaint.

2. Roles

Leadership Team

The Leadership Team as a group should not be involved in any investigation of a complaint under this procedure, though individual members may be required to do so as senior officers of the Council.

The Leadership Team will receive regular reports about complaints at its chosen frequency.

Scrutiny Committees

Any of the Select Committees may be appointed to monitor complaints management.

Responsible Officers

Overall responsibility for ensuring that this procedure is followed will fall to the Head of People and Information Governance.

Complaints Manager

The Customer Relations Manager will be responsible for logging, allocating, monitoring, advising on and reporting on complaints.

The Customer Relations Manager will also undertake a quality assurance role in advising the investigating officer on procedure and in the construction of any reports at the Formal Investigation stage. This action is to support the principle of “investigate well” and will in no way impinge on the independence and objectivity of the investigating officer.

Investigating Officers (Formal Stage)

When a complaint proceeds to the Formal investigation Stage of the procedure, an investigating officer will be appointed via the Customer Relations Manager. If the complaint is straight forward, we may ask someone from the service to look into it, if it is more complicated we may ask someone from elsewhere in the Council. However, where a complaint is about the Chief Executive or a Chief Officer, the investigating officer will be another Chief Officer.

Any complaint against an elected Member which is not concerning an alleged breach of the Code of Conduct for Elected Members will fall under this procedure and will be investigated by the Chief Executive or a senior officer nominated by him.

The Council may choose to use an external investigator if it feels that is appropriate in any circumstance.

The Investigating Officer will be responsible for conducting an appropriate, proportionate investigation and producing a suitable report or letter to document it and, where appropriate, making recommendations.

The Investigating Officer will be adequately trained for the purpose.

Heads of Service

The Head of a Service which is the subject of a formal investigation will review the findings and recommendations, and communicate those to the complainant.

He / she will also take responsibility for any action arising from the investigation, and will advise the Customer Relations Manager of any improvements which have resulted.

Other staff

Any member of staff may receive a complaint. They should attempt to resolve the complaint there and then or, if that is not possible, pass the complaint to their supervisor or line manager.

All staff should advise the Customer Relations Manager of any complaint received, then of the outcome and reply date.

Any member of staff may be asked to provide information to help with the investigation of a complaint at any stage, and may also be the subject of a complaint. In either case, all members of staff will be treated fairly and without prejudice.

Whilst it is possible that the findings of a complaint investigation may lead to a disciplinary investigation or other proceedings, a complaints investigation will not form part of those proceedings.

3. What is a complaint?

An expression of dissatisfaction or concern which requires a response. It may be:

- either written or spoken
- made by one or more members of the public
- about the Council's action or lack of action or about the standard of service provided
- about the Council itself, a person acting on its behalf, or a public service provider partnership

Time limit

The Council will only be obliged to consider complaints within **six months** of the complainant becoming aware of the problem. If a complaint is received after more than six months, the Customer Relations Manager will consider whether there are valid reasons to support consideration, and whether information is still available to make consideration possible.

Note

"Member of the public" is defined as anyone who is receiving a service by us or, indeed, denied a service to which they are entitled – this can be an individual or a group of people.

4. What is not a complaint?

- an initial request for a service, such as reporting a faulty street light
- an appeal against a "properly made" decision by a public body
- a means to seek change to legislation or a "properly made" policy decision

- a means for lobbying groups / organisations / individuals to seek to promote a cause

Note

A “properly made” decision is one where the relevant laws, policies and procedures have been correctly followed in arriving at a decision eg. setting the Council tax.

5. Principles

The Council will aim to adhere to the following principles in its operation of the Complaints procedure:

(i) Accessible and Simple

- Well publicised
- Easy to find, understand and use – both for public and staff.
- Simple and clear instructions for the public about how to make a complaint
- Has flexibility to meet the different needs of different people, ensuring that those who face challenges in access are not excluded.
- Provides information on advocacy and support services
- The stages in the complaint handling process are kept to a minimum

(ii) Fair and Impartial

- Concerns are dealt with in an open-minded and impartial way
- Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with the body concerned
- Ensures that complainants get a full response and that decisions are proportionate, appropriate and fair.
- The staff complained about are treated as fairly as complainants

(iii) Timely, Effective and Consistent

- Within the parameters of what is appropriate and possible, frontline staff themselves should seek to resolve complaints
- “Investigate Once, Investigate Well” – when a complaint requires formal investigation, this should be done thoroughly to establish the facts of the case
- Dealt with as quickly as possible. It should normally take no longer than 20 working days from agreed confirmation of the nature of the complaint at the Formal Stage to resolution. If a complaint is more complex, complainants should be told why it may take longer to investigate and how long it is expected to take. Complainants and staff involved should be kept informed of progress throughout.
- Consistent so that people in similar circumstances are treated in similar ways

- Concerns involving more than one public service provider are dealt with in such a way that the complainant's experience is of one system.

(iv) Accountable

- Provides honest, evidence-based explanations and gives reasons for decisions
- Information is provided in a clear and open way.
- When concerns are found to be justified, as appropriate, the Council:
 - acknowledges mistakes
 - apologises in a meaningful way
 - endeavour to put matters right
 - provides prompt, appropriate and proportionate redress
- Follow up to ensure any decisions are properly and promptly implemented
- Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy.
- Ensures that complainants are informed of their right to complain to the Public Services Ombudsman for Wales (or of other appropriate routes open to them, for example, Welsh Language Board in respect of complaints about compliance with Welsh Language Schemes, Equalities and Human Rights Commission).

(v) Delivers Continuous Improvement

- Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery
- Systems are in place to record, analyse and report on the learning from concerns.
- The leadership of the Council:
 - takes ownership of the complaints process
 - regularly reviews and scrutinises its effectiveness
 - receives regular complaints monitoring reports, and
 - demonstrates what the organisation has done to improve service delivery as a result of complaints
- Regulators have an important role in ensuring that lessons learnt from concerns are implemented satisfactorily and sustained.

6. Who may raise a complaint?

Any member of the public, including a child, who has received, or was entitled to receive, a service from us may make a complaint.

A complaint may also be made anonymously. However, whilst an anonymous complaint will be investigated and processed according to the information provided, there can clearly be no contact with a complainant.

A complaint can also be put forward by someone else on behalf of:

- (a) Someone who has died
- (b) A child
- (c) Those who lack the capacity (as defined by the Mental Capacity Act 2005)
- (d) Any other person if they have been asked to do so by that person.

In the case of (b), (c) and (d), the Council must satisfy itself, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and if possible obtain their signature to confirm this.

This procedure is not a means for a member of staff to raise employment issues. There are other internal mechanisms for these type of concerns, for example, whistleblowing, bullying, or grievance procedures.

7. Accessibility and publication

Publicising the procedure

The Complaints Policy and all the accompanying procedures and contact details will be:

- published on the Council's website
- published on the Council's Intranet
- promoted through Council publications

Posters and leaflets advertising the procedure in relevant other languages will be available at main Council premises.

Complaints forms

Members of the public wishing to make a complaint are encouraged to use the Council's complaints form wherever possible, though a complaint may not be rejected because it is not on the form.

The form will be available from:

- the Council's website
- the Council's Intranet
- any Council Office or main building, such as the Community Hubs

Information leaflet

A leaflet describing the process will be available in all the same places as the Complaints Forms.

The leaflet will also be available in Welsh. Alternative formats will be provided on request.

The leaflets will be circulated to the local offices of relevant advice and advocacy organisations operating in the County.

8. Stages of the process

The process will consist of two stages:

Stage 1 – Informal Resolution

A dissatisfied customer should complain first of all to front line staff delivering the service in question. If there has been a service delivery failure or if a service has not been provided to the standard set out by the Council, they will do their best to put matters right.

Stage 2 – Formal Internal investigation

If the complainant remains dissatisfied after giving front line staff the opportunity to address the complaint, then they may submit a complaint to the Customer Relations Manager.

Independent external consideration

If the complainant is not satisfied with the formal internal investigation they have a right to refer their complaint for external consideration by the Public Services Ombudsman for Wales.

Stages 1 and 2, which form the Council's internal processes, are described in detail below.

9. Stage 1 Informal Resolution

This stage offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the concern arises or very shortly afterwards. The first step will normally be an explanation or other appropriate remedial action by frontline staff.

Staff should be empowered and trained to deal with complaints as they arise with the aim of resolving issues on the spot.

Staff should be trained to recognise the significance of a complaint and understand when it should be referred to a more senior member of staff.

Staff may receive complaints that do not involve their own service, but that of another department. It may be difficult to know to whom the complainant should be referred, but at the very least all staff should be able to direct the complainant to the Customer Relations team, who will then be able to advise the complainant appropriately.

Staff may receive a complaint that not only involves their own service but that of another section/department. In these instances, the complainant should be referred directly to the Customer Relations Manager, who will act as a single point of contact between the complainant and the Council.

Staff must advise complainants how to progress their complaint to the formal investigation stage if they are not satisfied with the outcome of their complaint at the end of the local resolution stage.

Complainants may wish their complaint to be “fast tracked’ straight through to formal internal investigation. This may particularly be so if there has been disagreements with staff directly responsible for delivering the service. It is the complainant’s prerogative to seek to take their complaint directly to the Formal stage of the procedure and frontline staff should advise how they may do so.

The Customer Relations Manager will be a source of support for front line staff in respect of local resolution.

The informal resolution stage should be done as quickly as possible and certainly take no longer than 10 working days. If it is not possible to resolve the concern within the relevant timescale, then the matter should be escalated to the formal investigation stage.

10. Stage 2 Formal Investigation

“Investigate once, investigate well’ is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations at different levels in the organisation which can result in protracted and sometimes open ended investigations. However, the Formal Stage element of the complaints process is intended to be flexible to respond appropriately to the complaint.

“Investigating well’ also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. “Proportionate” means that for those complaints not so serious in their nature, the investigation may not need to be so detailed. The following sets out how a complaint should be dealt with at the Formal Stage.

Formal Stage complaints should be sent by the complainant to the Customer Relations team. Any officer receiving a complaint form should forward it promptly.

Having formally received a complaint at the Formal Stage, an acknowledgement should be sent by the Customer Relations team as soon as is possible but within a maximum of five working days.

If the complaint is “out of time”, ie. the issue being complained about is older than six months (from the time that the complainant first became aware of the problem), consideration should be given as to whether there are good reasons as to why it should nevertheless be accepted.

The Customer Relations team will offer to discuss the matter with the complainant, including:

- helping the person who is complaining understand the process
- confirming with them their preferred method of communication and what they want as an outcome to making the complaint
- providing advice of relevant advocacy and support services if they need help in making their complaint

If the complainant is complaining on behalf of someone else, consideration will need to be given as to whether consent is needed to investigate the complaint.

Having satisfied himself/herself that (s)he sufficiently understand the details of the complaint, the Customer Relations Manager will:

- identify an officer within the organisation with sufficient seniority, credibility and independence from the source of the complaint to undertake the investigation. (Depending on the nature of the complaint, this may still be someone within the service section/department, but it may require someone independent from the section/department).
- when deciding on an “investigator”, take account of whether the investigation will need to span across more than one service and the level of seniority required to investigate across all those areas.

Having recorded the complaint on the complaints handling system on receipt, the Customer Relations team will keep track of (and record) progress and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. The Formal Stage complaints process should normally be concluded within 20 working days, commencing on the day following the day that the exact complaint is agreed between the complainant and the investigating officer. A further ten working days should be allowed for the Head of Service to review the contents and write to the complainant. Where this deadline cannot be met, complainants must be informed of the reasons and the date when completion can be expected.

11. Complaints Investigations

A complaint investigation should be a fact finding exercise which is open and transparent and proportionate to the seriousness of the complaint.

However, even though the complaint has reached the Formal Stage, there may still be potential for resolving the concern to the complainant's satisfaction through a "quick fix" and without having to undertake a full and lengthy investigation. Consideration should be given to the possibility of this.

However detailed the investigation may be, it will be documented in a standard report.

Consideration should also be given as to whether face to face meetings and/or mediation could be a means to resolving the complaint

Evidence gathering can include:

- correspondence (letters and e-mails)
- notes of telephone conversations
- organisational policies and procedures
- good practice guidance
- records (including those specifically in relating to complaint under consideration and training records of staff involved in the complaint)
- legislation
- interviews (including detailed notetaking)
- site plans and visits
- photographic evidence
- obtaining professional/expert advice
- training records of relevant staff.

Recommendations arising from investigations should be Specific, Measurable, Achievable, Realistic and Timed (SMART). To assist in this, investigating officers should discuss draft recommendations with relevant service managers to see whether they would be viable and advantageous.

At the end of an investigation a report should be produced.

The report

The report should use a standard template and should include:

- background
- the scope of the investigation, as defined by the complaint agreed between the complainant and the investigating officer
- a summary of the investigation and analysis:
 - details of key issues, setting out a brief chronology of events leading to the complaint

- those who were interviewed (including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc. were involved in the investigation)
- other research and evidence gathering (see 11 above)
- how it happened i.e. what went wrong
- why it happened i.e. the root cause of the problem (e.g. human error, a systemic failure)
- the impact it had on the complainant
- findings
 - whether the complaint is found to be upheld
- recommendations, if appropriate
 - if a systemic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again

Overall, the report should demonstrate throughout that the complaint has been taken seriously, that the investigation undertaken has been fair and, in accord with the seriousness of the complaint, proportionately thorough.

A report should be accompanied by a covering letter or e-mail from the relevant Head of Service. The letter should comment on the report, offering as appropriate:

- an apology
- an offer of redress.

Even in cases where an investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied. Therefore, in all cases, the letter should inform the complainant that if they remain dissatisfied then they have the right to seek an independent external consideration of their complaint. Information about making a complaint to the Public Services Ombudsman for Wales should be provided, with full contact details.

As a part of “Investigate Well”, all draft Formal Stage reports and letters shall be reviewed for consistency and quality by the Customer Relations Manager before publication. This is purely to improve the quality of the resulting letter or report and will not in any way infringe on the independence of the investigating officer.

12. The Final Steps

For each Formal Stage investigation, decisions must be taken about the case, including:

- the level of investigation
- the level and identity of the investigating officer

In cases where a complaint has been upheld and there is a clear systemic issue, the appropriate Head of Service or another nominated officer should ensure that an action plan is devised setting out how the recommendations will be implemented and identify

who will be responsible for ensuring their implementation. When appropriate, front line staff should be involved in this process. The plan should make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

Document retention

On closing a complaint case, the Customer Relations team will ensure that working documents used during the course of the investigation are retained in an orderly fashion and stored securely. If the complaint becomes the subject of further external investigation such as by the Public Services Ombudsman for Wales, these working documents may be needed as our evidence. In keeping with the Council's Document retention Schedule, complaint case records should be retained for two years following the business year of closure at the end of the Formal Stage.

13. Complaints Involving Other Legal or Disciplinary Proceedings

Occasionally, complaints received will involve legal or disciplinary proceedings. It may from time to time be necessary to put the investigation of a complaint 'on hold' until the conclusion of those other proceedings.

However, it should not automatically be assumed that this is necessary in every case. An assessment should be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, without impacting unfairly on the other proceedings underway.

It is important that if a complainant is in a continued state of disadvantage as a result of likely poor service delivery that every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the Council is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred in the first place.

14. Complaints Involving More Than One Service Provider

There are occasions when a complaint received will involve more than one organisation.

In this case the role of the Customer Relations Manager will be slightly different. Having established the elements of the complaint and which organisations are involved, she will contact her counterpart(s) in the other organisation(s) involved.

The complaints officers should then decide which of them should lead on co-ordinating the response to the complainant. It would seem sensible that this should be the

organisation with the greatest involvement in the complaint. However, it may be appropriate for the organisation with the largest complaints handling resource to undertake this role.

The role of the complaints officer allocated to the complaint in question is to co-ordinate the investigations in each of the service areas involved. The ultimate aim, therefore, is to provide the complainant with a single comprehensive “joint” response on behalf of all of the organisations involved.

15. Complaints concerning services that have been contracted out

Even though we may contract out the provision of services to private/voluntary organisations, this does not absolve us of our responsibility for those functions.

In a given contract, if no contractual arrangements exist to ensure that complaints are dealt with appropriately by the contractor, the Council will retain direct responsibility to process a complaint under this or another relevant complaints procedure.

16. Learning from complaints/continual improvement

Complaints information should be used to improve the Council's service delivery and increase its effectiveness.

Information concerning complaints will be processed regularly to monitor performance and to analyse whether patterns exist in the subjects of complaints, either within a department or across the Council.

An annual report on complaints will be produced, drawing out lessons learnt over this period and demonstrating how they have contributed to improved service delivery. This will be presented to both Scrutiny Committees and the Leadership Team.

17. Recording & Monitoring Complaints

Data collection

A Council-wide monitoring and management system will be used to allow:

- input of complaints details
- monitoring of status and time taken
- outcomes

- data analysis and trends
- reporting
- lessons to be learned

Frontline staff are encouraged to report all complaints that they have dealt with informally to the Customer Relations team so that these can be recorded on the central complaints handling database, regardless of whether or not the complaint has been resolved on the spot. This will mean that there will be a record of the incident should the complaint progress to the Formal Stage of the complaints process.

To enable the identification of trends both within and across organisations in Wales, the following top level complaint subjects will be adopted:

Adult Social Services
Benefits administration (Council Tax/Housing/Other)
Children's Social Services
Community facilities, recreation and leisure
Education
Environment and Environmental Health
Finance and Council Tax
Housing
Planning and building control
Roads and transport
Various other

Other headings will be used for internal management.

18. Staff

Whilst it is not uncommon for people to look for someone to blame when things go wrong, staff should be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary procedure. (However, a separate disciplinary process could take place if this appropriate.).

When requiring staff to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should be advised that they can bring someone (such as a colleague) for support – although the position of confidentiality and their role should be made clear). They should also be advised as to what will happen after the interview.

Being the subject of a complaint is in any event a stressful situation and depending on the circumstances of the complaint and the issues involved, it may be prudent to inform the interviewee of staff support/counselling available.

In the same way that it is important to keep complainants informed on progress in the investigation and its outcome, the same is true in respect of staff.

As well as informing staff involved of the outcomes of complaints and any

recommendations that arise, there should also be a means (staff newsletters, making the annual report available on the intranet) of disseminating to staff how the way they deal with complaints can contribute to better public services. The organisational culture should be that reporting a complaint and action taken is seen as a positive act in that it assists organisational learning. If many individuals (perhaps based in many different locations) deal with a similar type of problem without this information being shared with others, then what may be a deep-rooted systemic problem within the organisation may not emerge to the surface. If frontline staff inform the complainant of this (intended) action, it is likely to have a positive effect in terms of good customer relations.

19. Elected Members

Any complaint against an elected Member which is not concerning an alleged breach of the Code of Conduct for Elected Members will fall under this procedure and will be investigated by the Chief Executive or a senior officer nominated by him.

The nominated officer will inform the Customer Relations Manager of the complaint.

The investigating officer will produce a report in similar format to that used for Formal Investigation within twenty working days of the exact complaint being agreed, and will write to the complainant with his findings.

This is essentially a Formal Investigation, so the complainant should be advised that further recourse is to the Public Sector Ombudsman for Wales.

20. Training

The complaints function needs to be adequately resourced by appropriately trained staff.

A mandatory staff training programme will be used to ensure that adequate skills and competencies are developed.

The Customer Relations Manager will continually keep under review the number of officers who are skilled and trained to conduct investigations and prepare reports.

21. Comments

You might wish to tell us something about our service which isn't a complaint or a compliment. If you do this, we will consider your comment and reply to you within 10 working days of receipt.

22. Compliments

If you tell us that we have done something well, we will thank you for your compliment. All compliments will be noted and included in reports to Select Committees.

23. Unacceptable action by complainants

Some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on an organisation or unacceptable behaviour towards staff. It is these actions that are considered unacceptable. When an officer considers that a complainant's behaviour may not be acceptable, they should refer to the Council's "Unacceptable Actions by Complainants" policy and ensure that staff receive appropriate associated training.