

**Standards Committee – 24 April 2018**

**Council complaints handling arrangements**

**Summary of report:**

This report has been prepared in response to Members' request, when considering the Local Government Ombudsman's 2016/17 annual review at the Committee's meeting of 2 October 2017, outlining the number and outcome of complaints it had received during the year.

Members asked for details of the council's own complaints procedures, noting that only a small proportion of complaints were submitted to the Ombudsman and that the LGO generally only considered complaints once they had been addressed to a conclusion through the council's own procedures.

Members also asked about procedures for dealing with vexatious or unreasonable complainants; these procedures are the subject of a separate report to tonight's meeting.

**Recommendation**

Committee is recommended to note the contents of this report.

**1.0 Background papers**

**1.1 Definitions**

The council has had a corporate complaints handling procedure, called 'Tell Us', for many years. This defines a complaint as:

'an expression of dissatisfaction with the Council, its services or the actions of its staff.'

Complaints generally fall into three main areas:

- We may have failed to do something that we should have done
- We may have performed a service badly
- We may have treated a customer badly, or discourteously.

The procedure also includes comments about our services, and provides a means for service users to submit compliments about the service they have received. The council's Tell Us procedures define a compliment as:

'an expression of satisfaction, or of thanks, by a local resident or service user on a job well done or service provided by the council, an individual service or member of staff'

As discussed at your meeting in October, complaints are made to the council in a number of ways. At a corporate level complaints are received via the 'contact us' e-form on the council website, via the Tell Us leaflet and form, by letter or by phone to the Assurance team. In addition many complaints are made direct to our services, to service managers, to strategic management, or via elected Members or one of the borough's MPs.

Members will know that, whilst we may define complaints as 'dissatisfaction with the Council, its services or the actions of its staff', the council and its services receive other complaints from residents and other service users seeking a response from the council but which relate to the actions of others, including for example:

- complaints about anti-social behaviour by neighbours or others
- complaints about fly-tipping
- complaints about unauthorised encampments.

Complaints are also received where a complainant may expect a response from the council but which relate to another organisation or agency, including

- complaints about other public utilities e.g. housing providers, police
- complaints about local schools.

In these cases, the council may need to 'sign-post' the complainant to the relevant body and to their own complaints procedures.

Finally, your Committee is asked to note that the corporate complaints procedure provides that 'many minor or day-to-day concerns amount to service enquiries rather than complaints and can be addressed promptly', advising services that the procedure should not be used to deal with the sort of queries and comments (service enquiries, or operational reports) which are part of all services' daily workloads, rather seeking to answer or resolve the matter quickly at the point of contact rather than recording the matter as a formal complaint.

Likewise if something is presented as a complaint but it is clear that it can be dealt with, and the customer's dissatisfaction with the council resolved, quickly and straight forwardly, it is better to address the matter of concern in that way rather than to direct matters through the complaints procedure. Examples would include, for instance:

- a street light not working,
- a pot-hole, or
- a missed bin.

However, in cases such as this, if subsequent communication is received to say that the problem has not been dealt with, it is likely to be treated at that stage as a complaint.

It is important that, in all these cases, the matter is addressed, and a response is made to the resident or service user.

## **1.2 The corporate procedure, timescales, and stages**

The corporate complaints procedure Tellus is managed by the Corporate Assurance team within the Resources & Transformation directorate. There are also officers in all council directorates who are responsible for coordinating complaints in their service areas.

The procedure indicates the following timescales:

- 5 working days from registration to acknowledge the complaint
- a further 15 working days to reply in full.

Where this is not possible, complainants should be kept fully informed of the reasons for delay and about revised timescales.

These are maximum timescales – services should aim to respond to complaints and concerns as quickly as possible.

There are five possible steps involved in processing a complaint:

### **Step 1**

If a complaint cannot be resolved locally by the service concerned a complaint can be made:

- At the office dealing with the matter
- At any Council office
- Via the 'contact us' form on the council's website: [www.walsall.gov.uk](http://www.walsall.gov.uk)
- By email to [complaints@walsall.gov.uk](mailto:complaints@walsall.gov.uk)
- By post to Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP
- By telephone to any council office
- By text phone to 01922 654000.

### **Step 2**

An acknowledgement should be made within five working days – if the full reply can be made within this time, services may not need to send a separate acknowledgement.

### **Step 3**

The complaint will be investigated by the service concerned and a formal response will be sent within a further 15 working days. In cases where investigations require more time, the complainant should be advised of any delay, and given a revised timescale for the response.

### **Step 4**

If the complainant is not satisfied with the response, she/he can ask for their complaint to be considered by a senior manager in the service or directorate.

### **Step 5**

If the complainant is still not satisfied the matter can be referred to the Local Government Ombudsman.

### 1.3 Complaints about care services

Members will be aware that there are different procedures, and different timescales, for complaints about care services for children and young people, and about adult social care, established by statute, as currently set out in the Children Act 1989 Representations Procedure (England) Regulations 2006 and the Local Authority Social Services and NHS Complaints (England) Regulations 2009.

### 1.4 Statistics

As noted above, it is difficult to provide figures for the number of corporate complaints received by the council, given the multiplicity of routes by which complaints can be made and received, and the challenge of defining what is a complaint about the council and its services rather than a complaint raised with the council about someone or something else, or about another organisation or agency.

Figures are collected relating to the number of complaints raised with the council through the 'contact us' facility ([complaints@walsall.gov.uk](mailto:complaints@walsall.gov.uk)) only, or direct to the corporate Assurance team. For the year from 1 April 2016 to 31 March 2017 these figures are as follows, including both complaints registered on Tellus and those referred on to the relevant service for action:

Period	Number received
April 2016	83
May 2016	84
June 2016	82
Q1 sub total	249
July 2016	177
August 2016	197
September 2016	112
Q2 sub total	486
October 2016	114
November 2016	108
December 2016	59
Q3 sub total	281
January 2017	99
February 2017	101
March 2017	109
Q4 sub total	309
TOTAL	1325

By directorate these figures are distributed as follows:

Economy & Environment	1061
Resources & Transformation	113
Children's Services	75
Adult Social Care	46
Other	30
TOTAL	1325

Committee should be aware that the figures shown here for Children's Services and Adult Social Care represent those received through the 'contact us' facility and are largely separate from complaints received and processed as statutory complaints under the regulations outlined in paragraph 1.3 above. In 2016/17, around 200 complaints were received via these statutory procedures

## **1.5 Proposals for change**

Members will be aware that the council is embarked on a transformation programme which includes as one of eight strands of work to examine how the council and its services communicate and engage with our customers. This is known as the Customer Experience project. The project will seek to ensure that our processes are as simple and accessible as possible for residents.

An aspect of this work will be to review the council's current approach to receiving customer feedback including complaints, comments and compliments. This project of work will be seeking to ensure that we take stock of the current approach to receiving all forms of customer feedback, evaluating how easy it is for customers to provide this feedback via a range of channels and exploring how this can be improved for customers, if at all. The project will also review internal processes to ensure the Council has a lean and efficient approach to managing enquiries effectively for customers. One key desired outcome will be to support the Council to further learn from customer feedback by proposing a more routine (monthly) evaluation of themes and trends in customer feedback across lines of service. In doing so the Council will better understand customer experiences. The project will work to ensure we reflect, acknowledge and learn from what we do well as a Council as well as acting on themes and trends when customers complain, agreeing actions to address common issues where it is appropriate to do so.

## **2.0 Resource and legal considerations:**

2.1 The council is required by statute to have complaints procedures in relation to social care services in accordance with relevant statute.

## **3.0 Performance and Risk Management issues:**

3.1 Complaints provide a valuable source of information about the performance of council services.

## **4.0 Equality Implications:**


4.1 It is important that the council's complaints procedures are delivered, and that complaints are processed, fairly and in an open and transparent manner.

## **5.0 Consultation:**

5.1 There is no requirement to consult on this report.

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