

Audit and Governance Committee
Overview of Complaints Process / Service

Date: 21 January 2022

Agenda No:

Title of Report	Overview of Complaints Process / Service
Purpose of Report	To provide a brief overview of the Council's arrangements for handling complaints and to assure Members that appropriate processes are in place
Recommendations:	That the Audit & Governance Committee considers the Council's arrangements for handling complaints and considers whether it wishes to make and comments or recommendations on those arrangements.
Officer(s) Contact:	Rob Ayliffe, Monitoring Officer and Director of Policy, Performance & Governance (01452) 328506
Key Risks:	Strategic Risks: Failure to administrate robust process to complaints across the council could result in findings of fault by the Local Government and Social Care Ombudsman.

Background and Legislation

1. The Complaints Team sits within Corporate Resources. It was brought together from April 2013 to provide a cross council complaints service dealing with the co-ordination of, and advice related to, all customer complaints made against the council, including those related to Adult and Children's Social Care. The team also gathers data related to complaints and compliments to produce regular performance reports.

2. The team consists of,
 - 1 FTE Complaints Manager
 - 4 FTE Complaints and Feedback Officers
 - 1 Temporary Administrative Officer

3. The team administers 3 separate complaint procedures. Adult and Childrens' social care complaints must be responded to according to relevant statutory processes within the specified timescales. All other non statutory complaints are responded to as per the Council's Corporate Complaints Policy. Relevant legislation / policy for each service are,
 - Adult Social Care - The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 - [Adult Social Care Complaints Policy](#)
 - Children's Social Care - The Children Act 1989 Representations Procedure (England) Regulations 2006 (Getting the Bests from Complaints) – [Children's Social Care Complaints Policy](#)
 - All other non statutory services - Corporate Complaints Policy - [Corporate Complaints Policy](#)

Please see Appendix 1 for further detail of each procedure.

Roles and Responsibilities

4. The responsibility for investigating and determining complaints rests with the service against which the complaint is brought. The complaints team's role is to administer the process, to ensure consistency, to provide advice and constructive challenge and to promote a culture where complaints and feedback are welcomed and used to drive improvement.

5. The team's aims are to,
 - Make the complaints procedure accessible to all and to make sure complainants feel listened to, taken seriously and that they feel they have been treated fairly.

- Wherever possible identify if complaints can be immediately resolved without recourse to the complaints process or signposted elsewhere, and to act on contacts in a prompt way where any work can be undertaken to remedy the situation immediately rather than waiting for the complaints process to be completed
 - Ensure complaints are dealt with fairly and proportionately within prescribed timescales
 - Collate, analyse and report on complaints received in order to ensure that feedback drives service change and improvement where necessary
 - Work with and support service area staff who undertake the initial responses to complaints and to provide appropriate and applicable training where necessary
 - Ensure complaint responses are of a high quality, clear and written in plain English, offering a critical eye to complaint responses before they are sent
 - Develop and maintain robust systems to identify recommendations or learning points, ensure these are cascaded to service areas to implement
 - Support the use of the council's Unacceptable Customer Behaviour Policy across all service areas - <http://www.gloucestershire.gov.uk/media/18823/unacceptable-customer-behaviour-policy.pdf>
 - Help services avoid the numbers of referrals to the Ombudsman and findings of fault and maladministration
 - In coordination with Legal Services, prepare appropriate responses to Ombudsman enquiries and investigations.
6. The complaints team are well established within the Council (with 4 members of the team having 8 years + experience within the team) and this has enabled solid links to be formed with service areas over the years so that the culture of complaints management is consistent and robust. This also helps with the positive challenge the Complaints team need to provide on occasion directly to service areas on their approach and rationale, and this is an important part of the overall culture within the Council in responding to customer complaints.

Numbers of Contacts / Complaints Received over the 5 previous years

7. Where possible, the Complaints Team and relevant service area try to find ways to resolve concerns quickly, outside of the formal complaints process.

8. It is an approach that requires active support and input from service managers, with prompt responses being provided to the queries and concerns raised. It may be the case that they:
- offer an apology if it is recognised that there has been fault on their service's part
 - arrange a meeting with the complainant(s), so their views can be heard and their concerns discussed
 - simply provide an explanation for what has happened, and outline the actions which will be taken as a result / the timescale in which these actions will happen
9. Where it is not possible to achieve resolution in this way, the Council can still take concerns forward under the statutory complaints process or its own complaints process, as appropriate.
10. For the last 5 years the following table shows both the number of customer contacts received and resolved for all services without recourse to formal complaint procedures, and also the number of formal complaints received and how many of those escalated to further stages of the relevant complaints procedure.

Number of contacts and formal complaints received :	During 2016/17	During 2017/18	During 2018/19	During 2019/20	During 2020/21
Contacts dealt with without recourse to the formal process	1055	768	874	863	627
Stage 1	660	545	439	458	414
Stage 2	23	19	17	22	26
Stage 3 (Childrens' social care procedure only)	1	1	1	2	1
Escalated to LG&SCO (Ombudsman)	70	67	67	83	53
Fault / Injustice found by LG&SCO	5	8	6	12	11

11. The table shows that the service areas are able to resolve a large number of customer contacts without recourse to the formal complaints procedures.
12. Over the last few years the Complaints Team and the service areas have made good progress in working together to proactively resolve issues at the earliest point possible. Moving forward, a priority for the Complaints Team is

to continue to work with the service areas to enhance this approach. It is hoped that this will result in a sustained increase in the number of contacts resolved outside of the formal complaints processes and therefore lead to more satisfied customers.

13. It also shows that the service areas can resolve the majority of issues at stage 1 of the procedure, with only a small percentage that escalates past the first formal stage, which is a positive position to be in. This positive trend is against a backdrop of increasing complexity of complaints and the increasingly challenging nature of complainants and their expectations.
14. The table also indicates that of those complaints that are escalated to the Ombudsman, there are very few findings of fault. Again this is a positive indication that the responses provided with the Council's local complaints arrangements are robust and withstand the scrutiny and challenge by the Ombudsman.
15. In general, whilst ensuring that customers are listened to, and the relevant complaint procedure is followed, by checking responses, the team also act as a check point or voice of reasonableness for the service responding to a complaint. This ensures that all points of complaint are answered and any decisions or suggestions that are made by the service within their complaint responses can be quality assured, and positively challenged by the Complaints Team where necessary, to avoid further escalation of the issue.

Conclusions

16. Paradoxically, it is often said that we do most of our learning through our failures, rather than our successes. It is for that reason the complaints are an integral part of our quality assurance arrangements and an important contributor towards organisational learning. In every case we strive to ensure that the complainant's views have been listened to and, when appropriate, that action has been taken to address those concerns, including changing our practice or processes.
17. We aim to address complaints at the earliest and most appropriate level through informal dialogue whenever possible. We also recognise that some complainants will want to exercise their right for independent review and referral to the Local Government Ombudsman when they feel their concerns have not been addressed.
18. The complaints team work closely with colleagues in the service areas across the Council to ensure we are timely and robust in our responses, in accordance with our complaints policies.

19. Currently and looking forward the Complaints team are always seeking ways to improve the offer we provide to customers and also the support to service areas. A number of initiatives are underway, including better customer engagement and feedback on the complaints process and also working closely with Legal Services to improve how the Council respond to all Ombudsman enquiries, including identifying earlier opportunities to resolve matters before a full Ombudsman investigation happens.