

COMPLAINTS HANDLING

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1. Purpose

1.1 To outline to the Panel the procedures for handling complaints across the range of Council services.

2. The Council's Procedure for Comments, Compliments and Complaints

2.1 The Council's procedure covers many, but not all, services. It also invites comments and compliments about Council services as well as complaints. The grounds for a complaint are set out as follows:

"You can complain if you feel we have:

- (a) done something wrong;
- (b) done something we should not have done;
- (c) failed to do something we should have done;
- (d) behaved unfairly or discourteously;
- (e) not carried out a service to an agreed standard; or
- (f) not responded to your request for a service or standard remedy within our stated timescale."

2.2 The procedure is a standard 3-stage procedure written with guidance from the Local Government Ombudsman in mind, i.e. 'a good complaints system will be:

- (a) easily accessible and conspicuous to users of services;
- (b) simple to invoke and operate, with the stages clearly set out and responsibility clearly allocated;
- (c) quick, offering prompt action and speedy resolution according to predetermined time limits;
- (d) objective, including provision for independent investigation from outside the department concerned if necessary;

- (e) confidential in that it will protect the complainant's privacy (although anonymised information about complaints may be publicly available in monitoring reports); and
- (f) comprehensive, with principles and key features which apply to all departments of the council, notwithstanding that there may be individual departmental variations in the light of legislative or operational requirements.'

- 2.3 **Annex A** is a guidance document to the procedure setting out in detail the principles behind the procedure, the stages with time limits and responsibilities, and, in Part 2, advice to all staff who may find themselves handling a complaint.
- 2.4 The accompanying pack contains the leaflet for the public entitled "Satisfied with the Council". This leaflet is available in Council office receptions, the library and housing offices.
- 2.5 The Council's home page on MKWeb has a link to making a comment, compliment or complaint which gives simple guidance, including an on-line form.

3. **Statutory Procedures**

- 3.1 For making a complaint about adult or children's social services the Council must abide by a statutory procedure. This again has provision for 3-stages but the differences are in the time limits applied for responding and in the responsibilities for the 2nd and 3rd stages.
- 3.2 A leaflet similar to the one in the pack should be available in all Council offices. IMPORTANT NOTE: a change in legislation last month has resulted in revised time limits and final stage responsibility. The new time limits and stage responsibilities are summarised in the flowcharts **Annex B**. An updated leaflet is in the process of being produced.
- 3.3 Also subject to statutory processes in case of complaints are those connected with admissions and exclusions from schools and disputes over special educational needs. Formal panels or tribunals are the mechanism for dealing with these.

4. **Schools**

- 4.1 There is a Local Education Authority leaflet included in the pack that describes the various routes for complaints about education services. All schools have a complaints procedure and should provide a leaflet explaining their 3-stage procedure. Wherever possible the Education authority will encourage complaints to be dealt with at the local school level.
- 4.2 As described in paragraph 3.3 there are different routes for complaints about admissions and exclusions. A complaint about a central service managed by

the Education Department will be handled through the Council's standard procedure.

- 4.3 Thus there are potentially three routes, depending on the nature of the complaint, for complaints handling connected to schools - the school's own procedure, statutory processes, or the Council procedure. All these possibilities are outlined in the Local Authority's leaflet. One thing not immediately clear from this leaflet is the time limit for responses applicable to the schools' procedure.

5. **Hotlines and MK Direct**

- 5.1 An essential principle of customer care is the ease with which the public can contact the Council. There is now an on-line facility but traditionally people favour speaking directly with somebody either on the phone or face to face. The Council's investment in MK Direct and in dedicated hotlines, e.g. for Housing and for Environment, supports that choice.

- 5.2 The Council's partner organisation, HBS, is committed to the Council's complaints procedure and all complaints received through the customer interfaces it operates are processed as the procedure requires.

- 5.3 Enquiries received through hotlines do frequently raise the question "when is a complaint not a complaint". The guidance states that the procedure need not operate where the initial complaint is a necessary part of a request for service, e.g. to Environmental health or for a housing repair. A complaint will arise when the service requested is not delivered. Similarly where a standard remedy exists, as in the case of missed refuse collections, the procedure will only operate where the remedy is not enacted as prescribed.

- 5.4 HBS reports a "Public Access" KPI in its monthly service review report that records percentage of complaints responded to in accordance with the Council's procedure. This has been at 100% for all of 2006 to date.

6. **Parishes**

- 6.1 Parishes have a version of the 3-stage complaints procedure incorporated into the Parish Charter. **Annex C** is the process description showing timescales the same as the Council's procedure but with different responsibilities at stages 2 and 3.

- 6.2 The procedure doesn't say what recourse a Parish or Town Council has if still not satisfied with the response at stage 3.

7. **Monitoring**

- 7.1 The current arrangement is a devolved process within Directorates with over 40 customer care officers within services who are responsible for monitoring the system and providing advice to customers. Each service has a complaint champion, usually at Head of Service level, who is responsible for looking at complaints and identifying possible service improvements.

7.2 Important for maximising the information arising from complaints handling is a system for recording and reporting comments, compliments and complaints. The system that is currently in use is called 'React'.

'React' is a web-based application that is available over the intranet for MKC and HBS. In simple terms, it runs in a web browser (Internet Explorer), but behaves like a standard piece of software. The system has evolved from Milton Keynes Council's Comments, Compliments and Complaints system - the Three Cs.

The Three Cs had been widely used at Milton Keynes Council since April 2004 when it was first launched, with almost 400 users set up on the system by December 2004 and over 1500 records logged. With the demand and take-up of the system increasing steadily over this period, the system underwent a minor upgrade in September 2004. The system was re-branded as 'React' and re-launched in December 2004 after a major upgrade took place to allow for Freedom of Information Act (FOI) requests and Data Protection (DP) requests to be logged.

7.3 The system has been set up so that staff regularly receiving complaints and comment information can enter it onto React directly, e.g. staff in MK Direct and on the Housing and Environment hotlines.

7.4 A variety of output reports is available and as an example **Annex D** shows a high level annual report for all Council Directorates comparing 2005/06 with the current year to date. Individual Directorate summary reports are also attached. Note that both Adult Social Care and Children's Services React statistics are included, as these statutory procedures are monitored using 'React'.

7.5 Information not included on 'React' is that from Schools complaints, Parishes, Education Appeals.

7.6 React has the facility to enter learning points derived as a result of complaints handling. The Corporate Leadership Team (CLT) are presented with a "Learning from Complaints" report on a 6 monthly basis. The most recently available report is from February 2006 - **Annex E**.

8. **Performance**

8.1 A measure of the Council's performance comes in the form of the Local Government Ombudsman's Annual report, **Annex F**, albeit with reference to complaints that have not been satisfactorily resolved through the 3-stage procedure. Generally in terms of level of complaints to the Ombudsman and speed of response to Ombudsman enquiries the Council has a good record.

8.2 There is a Best Value Performance Indicator (BVPI 4) based on a survey which asks for the percentage of those making complaints who were satisfied with the way the complaint was handled. For the 2003/04 survey this was 33% and for 2005/06 it was 40%.

8.3 A limited audit of the Council's procedure was undertaken in February 2006. The findings and recommendations are presented in **Annex G**. The 6 month

follow-up was carried out in September 2006 and the report appears as **Annex H**.

- 8.4 The general conclusion from the Council's Information and Customer Liaison Officer, supported by the audit findings, is that the Council has a sound procedure with a robust system for logging and reporting complaints, comments and compliments. However, not all information is being logged and there is inconsistency across the Council.
- 8.5 'React' is producing statistical information on complaints handling but there is not much evidence that the Council is learning from the complaints it deals with.