

DECISION-MAKER:	STANDARDS AND GOVERNANCE COMMITTEE
SUBJECT:	INTERNAL COMPLAINTS PROCEDURE
DATE OF DECISION:	16 APRIL 2012
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

Following the receipt of correspondence from a resident the Committee has requested an update on the current complaints procedure to consider whether any revisions are required.

RECOMMENDATIONS:

- (i) That the Committee considers this report and recommends such changes, if any, as are considered appropriate

REASONS FOR REPORT RECOMMENDATIONS

Following the receipt of correspondence from a resident the Committee has requested an update on the current complaints procedure to consider whether any revisions are required

DETAIL (Including consultation carried out)

1. Attached at Appendix 1 is a letter of complaint from Mr Scott regarding the Council's internal complaints system and views he holds on its effectiveness. Attached at Appendix 2 is the Council's current complaints procedure and related documents.
2. The email from Mr Scott was circulated to Committee members and in light of the issues raised the Chair has requested that the matter be placed before the Committee for fuller consideration
3. Officers have discussed Mr Scott's correspondence. It is the view of officers that we have in place a very comprehensive complaints system. It allows for "appeals" at two stages before the ability to go to an external arbiter, ie the Local Government Ombudsman (LGO). It is also worth noting that the Council's complaints procedure directly follows, and is fully compliant with, the best practice guidance issued by the Local Government Ombudsman on both its complaints policy and the complaints procedure, and against which performance is judged by the Ombudsman when looking at complaints it receives about a Council's internal complaints handling processes.
4. It is considered it would be inappropriate for the Committee to become involved in individual complaints; that is not its remit. As above there are both internal and external channels for complainants to avail themselves of and they regularly do. The procedures are well trodden by the Council along with over 400 local authorities and officers consider them to be robust and fair to both parties. Resolving them to the satisfaction of the complainant is not always possible for fairly obvious reasons. That does not render the process unfair or biased. A final, completely independent review is undertaken by the Local Government Ombudsman upon request and, if the LGO feels the Council is doing something wrong, they will quickly tell us, and we will act on it.

5. In relation to the “general” issues Mr Scott raises (numbered 1, 2, 1, 3) and to his request for information to be included in the annual report, officers would advise as follows:-
- a. Complainants are advised that if they are dissatisfied with the response, they can escalate to the next stage of the procedure and ultimately to the LGO. We already report on how many complaints are escalated regularly to MBOD and annually to this Committee and an annual report on LGO complaints is also presented to this Committee. Officers, therefore, would advise that we are already reporting on unresolved complaints. How else could this be reasonably reported? If a customer does not escalate their complaint, then officers can only assume it is resolved or that they no longer wish to pursue it.
 - b. There is an annual report on LGO complaints and outcomes which focuses on key learning points as well as overall performance, including performance against comparator authorities – would the Committee really want to view the actual complaint details for each case? What would be the merit in doing this in light of the additional resources needed to do so? The volume of minor complaints received that are locally resolved or discontinued would result in a significant resource being required to deliver reports, with little or no benefit over and above the current format for complaint reporting which highlights any significant issues or learning points for the Authority. There has to be a balance.
 - c. The Council’s procedure allows for complaints to be escalated, including for independent review, if they are unresolved. Officers are not sure how else the Council could report ‘unresolved’ complaints.
 - d. It is not understood how we could do this, the customer needs to escalate to the LGO if their complaint is not resolved by the Council, and the Committee already receive a report on this. Would the Committee really want officers to start going in to detail about individual complaints? Any individual complaints that result in findings against the Council are already summarised in that annual reporting process. Officers would consider further individual reporting to be unnecessary.
6. In response to some of the other issues Mr Scott has raised, whilst officers fully respect his views, they do not agree with them:-
- Mr Scott disagrees with the fact that stage 1 Council Tax complaint responses come from Capita and chooses to ‘ignore’ letters sent to him by Capita. The arrangement with Capita is not “illegal” as suggested. Miss Arrowsmith, the Corporate Complaints Officer, has explained to Mr Scott that Capita and its employees are authorised by the Council to reply to residents and that this is part of the complaints process. Mr Scott has asked for his complaints to be escalated to stage 2 simply on the basis that the stage 1 response is from Capita. Capita act on behalf of the Council in administering this process as a front facing service. It is a key principle of any complaints policy that the first stage of considering any complaint

should be at the service level where the service is actually delivered. The vast majority of complaints are actually resolved at this stage in a 1-1 relationship between service user and service area provider.

- With regard to Mr Scott's complaints, Mr Scott has been advised on multiple occasions that he should escalate to the LGO if he remains dissatisfied with the Council's responses. That is a standard approach nationally. As far as I am aware this hasn't been done. Mr Scott has mentioned in his numerous letters to Miss Arrowsmith and the Chief Executive some complaints that Miss Arrowsmith is unaware of. Despite asking Mr Scott to clarify this has not happened. Mr Scott is, therefore, aware that his complaints can be reviewed independently but has chosen not to avail himself of this opportunity.
- The Corporate Complaints team do not consider complaints 'invalid' if the customer does not respond within a certain time. They advise customers that the complaint will be considered closed after four weeks if they do not hear from them. As a rule, it is believed this is long enough. However, if a customer comes back to the team outside of this timescale, the matter is considered on a case by case basis and generally reopened. However, almost 90% of complaints are responded to within 10 or 20 working days (depending on the stage). A complainant also has up to 12 months (subject to certain exceptions) to make a complaint to the LGO before they will decline jurisdiction for 'historic' or out of time matters.

7. Officers trust that this gives members reassurance that the complaints system is fair and follows best practice as recommended by the LGO. It is regularly reviewed and the Council takes on board advice from the LGO both in relation to individual complaints and in relation to policy and procedure generally but it cannot please everyone. Officers do not believe there is any merit in changing the system based on our experiences to date. Whilst Mr Scott is entitled to his views, rarely do we receive complaints that the system is inherently unfit for purpose.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. None.

RESOURCE IMPLICATIONS

Capital/Revenue

9. None, unless significant reviews of the current system are required which will need to be investigated and funded. In light of the Council's budget position there is no budget available or allocated for this purpose.

Property/Other

10. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

11. Section 1 Localism 2012

Other Legal Implications:

12. None.

POLICY FRAMEWORK IMPLICATIONS

13. None.

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Email from Mr Scott dated 6 th March 2012
2.	Complaints procedure and related documents

Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None.	
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	None
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