

Leicester  
City Council

Health and Well Being Scrutiny Commission

31<sup>st</sup> December 2013

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## Leicester City Council complaint management

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### 1. Summary

This report summarises how complaints about Council service are dealt with. Reference is made to the Corporate, Social Care and FOIA processes.

### 2. The Corporate Complaint Process

General complaints to Leicester City Council are recorded on a corporate complaints system and allocated to Departmental Complaints Officers (DCOs) for allocating and monitoring responses.

Corporate complaints are classified as

- Stage 1 which are dealt with by the service area complained about. A complaint is acknowledged within 24 hours and responded to in full within 10 working days.
- Stage 2 which is used where a complainant is not satisfied with the response they receive at Stage 1. This stage is dealt with an independent officer from another service area. Complaints are acknowledged, as above, and responded to in 20 working days

After these two stages have been exhausted, the complainant may have recourse to refer their issue to one of two Ombudsman services (there is a specialist Ombudsman for Council tenancy matters).

All complaints are also classified by type (e.g. standard of Service, attitude of staff), and whether the complaint was justified or not. A service improvement narrative (where a complaint is justified,) is also recorded.

Complaints are identified mainly through Customer Services or other front of house points, such as the specialist telephone Contact Centres. However, any

Council officer may record a complaint and forward it to Customer Services or their service area DCO for recording and processing.

### **3. Adult, Young People and Children's Statutory Social Care Complaints**

Separate procedures exist for complaints about the standard of social care provision.

#### Adult Social Care Complaints (Two Stage Process)

The Adult Social Care Statutory Complaints & Commendation process operates within a legislative framework and formal guidance is in place to support its practical implementation. The process is overseen by the Complaints Manager.

The complaint guidance defines and sets out such things as who is able to raise a complaint under the procedure, what time limits exist for raising a complaint, timescales for acknowledging and responding and more.

In principle there are two stages involved with the Adult Social Care Statutory Complaints process:

The first stage is a combination of processes working towards Local Resolution and this may include internal or independent investigation, mediation and conciliation, dependent on the circumstances. An assessment is made by the complaints manager and the investigation is usually, although not invariably, handled by a senior manager (Locality General Manager or above).

The response times for complaints at this stage vary from 5 to 65 working days according to the "grading" given to the complaint's level of seriousness by the complaints manager.

The second stage of the process is with the Local Government Ombudsman.

As the legislation that drives Adult Social Care Complaints is also shared by agencies within Health, there is a formal joint protocol in place to ensure that cross organisational complaints are addressed in a unified way. The purpose of the protocol is to draw together these agencies to provide one complaint response on behalf of all the organisations concerned. Representatives from the relevant agencies also meet on a quarterly basis to discuss any common issues arising and to review the effectiveness of the protocol that is in place.

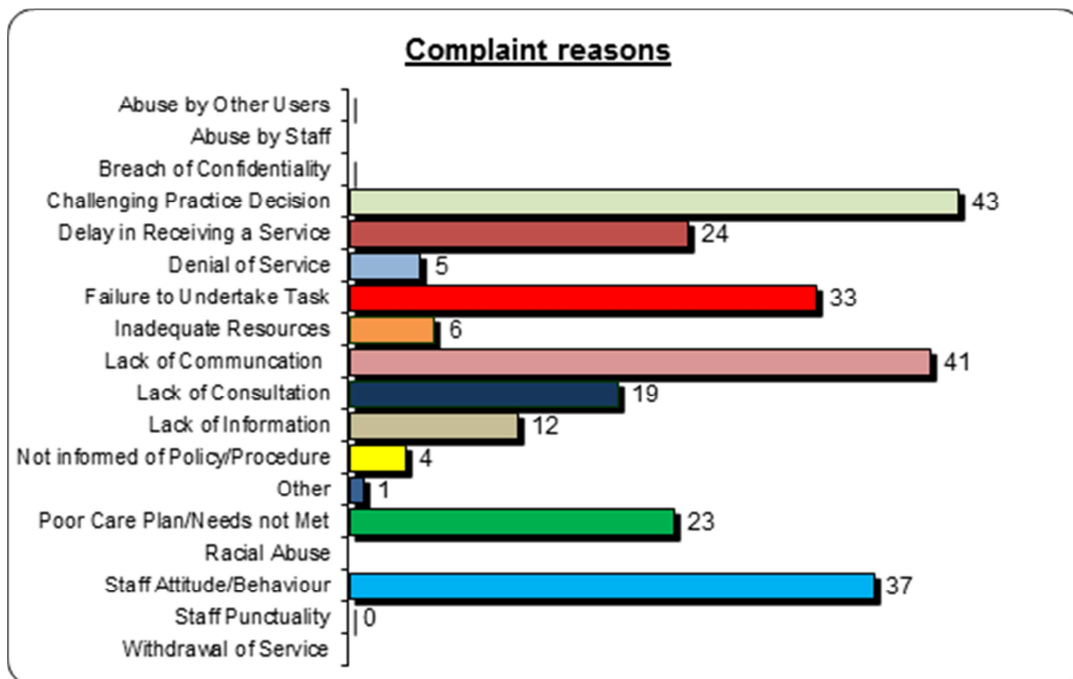
Adult Social Care also records and responds to those complaints that are logged under the corporate procedure.

## Information management, monitoring and reporting

Adult Social Care senior managers are provided with monitoring information relating to complaints on a monthly basis and this is followed with a detailed annual report that is also made available publically.

Within the annual report detailed statistical information is provided with some analytical commentary on such areas as:

- How many complaints/commendations are received
- What/which service they are about
- Target response times and how they are being met
- How/how many complaints are concluded (e.g. upheld, partially upheld, not upheld)
- How complaints are received (email, post etc)
- Analysis by demographics, gender, ethnicity (i.e. who is accessing the complaint procedure/reporting concerns)
- Analysis by service area
- Customer feedback comments (in relation to managing the complaint itself)
- Reasons behind complaints (the chart below provides an example of what is recorded)



A policy is also in place to consider any complaints that may result in payments for maladministration identified by the Department (not by the Local Government Ombudsman).

A brief report on complaints and commendations information is also published in the Adult Social Care Annual Report together with a report on what we have done as a result of the complaints that we have received.

### **Learning lessons from customer feedback**

An important part of the ASC complaint process is to ensure that valuable customer feedback is identified from complaints received and utilised to ensure that service improvements are made where appropriate.

At the point at which an outcome to a complaint is known, managers responding to complaints are asked to identify any areas of weakness or to highlight any potential service improvements, flagged up as a result of a customer's expression of dissatisfaction.

Managers are expected to make improvements where necessary for their own individual service area following specific information received from a complaint.

The Complaints Manager also actively reviews all complaints received (regardless of outcome) for specific periods of time and reports to senior managers on any trends or common themes emerging from these individual complaints. The Divisional Management Team is asked to consider this information and to propose and implement any appropriate actions identified. Adult Social Care and Safeguarding's Senior Management Team is now actively involved with implementing service improvements identified from this complaint monitoring information. The consideration that has been given to the lessons learnt and any actions arising are then reported back as part of this monitoring cycle to the Leadership Team, so that the Director is aware of the action taken.

As an example, some of the actions taken as a result of complaints received during the year have been:

- Held more open discussions within teams regarding customer feedback to encourage direct service improvements by team members.
- Made improvements to our communication with customers; making sure that we use plain English in the letters that we send out.
- Targeted staff training to make sure that there is a consistent approach in the way that we carry out community care assessments.
- Reviewed our message taking methods to make sure that the right people return calls in a timely way.

The Complaints Manager has also uses specific examples from complaints received at different team meetings to enable staff to fully understand the importance of good complaints handling and to learn from poor practice or mistakes.

Commendations are welcomed and the Director is made aware of individual efforts so that these can be acknowledged and formally recognised.

### Children and Young Peoples' Social Care Complaints (Thee Stage Process)

The Children's Social Care Statutory Complaints & Commendation process operates within a legislative framework and formal guidance is in place to support its practical implementation. The process is overseen by the Complaints Manager. The Complaints Manager is part of the Safeguarding and Quality Assurance Unit of the Children's Social Care and Safeguarding Division and is responsible for managing the process for children's statutory complaints.

The complaint guidance defines and sets out such things as who is able to raise a complaint under the procedure, what time limits exist for raising a complaint, timescales for acknowledging and responding and more.

The statutory complaints procedure has three stages

#### **Stage 1 – Local Resolution**

Complaints are dealt with by managers at the point closest to service delivery.

#### **Stage 2 – Formal Independent Investigation**

Experienced, Independent Investigators who are not employed by Leicester City Council investigate the complaint and produce a report. The Regulations require the Investigator to be accompanied by an Independent Person who works alongside the Investigator to ensure that the process is transparent, open and fair.

A Service Director adjudicates on the findings.

#### **Stage 3 – Independent Review Panel**

A panel consisting of 3 Independent People reviews the Stage 2 investigation and the Department's response.

<b>STATUTORY RESPONSE TIMESCALES FOR COMPLAINTS</b>		
Stage 1	Stage 2	Stage 3
10 Working Days or up to 20 if the case is complex	25 Working Days Can be extended up to 65	30 Working days to set up panel following request.  20 Days for Director to respond to panel's findings

This is the end of the statutory complaints procedure. If complainants remain dissatisfied they can refer their case to the Local Government Ombudsman (LGO).

The Local Government and Public Involvement in Health Act 2007, which came into effect from 1<sup>st</sup> April 2008, introduced a number of changes to the Local Government Ombudsman's jurisdiction. One of these changes gives the LGO the power to investigate a complaint that has not previously progressed through the complaints procedure of the local authority concerned

In addition to the three formal stages, concerns can also be responded to as an Initial Enquiry. These are enquiries raised by a service user, or on behalf of a service user, which can either be resolved swiftly – by perhaps a phone call, or if the expressed preference is not to make a formal complaint. Initial Enquires also cover issues which need further clarification. There are no formal timescales for a response, although this is monitored by the Complaints Manager.

### **Alternative Dispute Resolution**

Most service users want to resolve complaints quickly and don't always want to enter the formal investigation stage. Those whom are not satisfied with the response at any stage of the complaint are offered the opportunity to meet with the responding manager to try to resolve the issues. This meeting is chaired by the Complaints Manager.

The role of Complaints Manager has recently been extended to have a wider remit covering customer feedback and quality assurance. Consultation will take place with Children and Young People, Parents and Carers, Professionals and

community members to find out their experiences of the Services provided by the Division. This will be co-ordinated by the Complaints Manager.

This more complete picture will support us to identify services that receive repeat complaints and will help us to identify areas for improvement across the Division.

#### **4. DPA and FOIA Complaints**

Complaints about breaches of the Data Protection Act 1998 are not dealt with under the corporate complaints procedure but are logged with and investigated by the Information Governance Team.

Stage 1 is an investigation by the Information Governance Manager. (Target 20 working days)

Stage 2 is an investigation by an independent manager. (Target 20 working days)

Stage 3 Complainants are advised to contact the Information Commissioner's Office if they remain unhappy.

#### **5. Monitoring and Reporting on Complaints**

Complaints are recorded in the corporate Customer Relationship Management (CRM) system which holds a full history, including documentation, of any complaints received.

The Head of Customer Services leads a Departmental Complaints Officers Group, through which issues relating to complaints handling can be explored and resolved.

The CRM system is used by DCOs to flag any complaints which have deadlines due. There is also a specialist reporting tool which is used by DCOs to produce monthly reports for managers and directors within their service areas of any outstanding complaints and trends in issues being reported.

Recently, Customer Services have assumed a role to assist with this process and also to review the quality of complaints responses on a monthly basis. Customer Services also provide data on the ratio of Stage 2 to Stage 1 complaints. Work is underway to identify which services most often attract escalated complaints and also any trends in types of complaint being raised, eg service failure.

Figures for corporate complaints received during 2013 are attached at Appendix 1.

## **6. Vexatious Complainants**

A procedure exists for investigating and designating a complainant as “vexatious”. This is where, despite a DCO being satisfied that a complaint has been properly investigated and responded to the complainant persists in making the same complaint, attempts to change the substance of a complaint, is physically or verbally aggressive or threatening, or contacts Council officers repeatedly about the same subject.

A case conference will be convened by a lead DCO, and involve DCOs and officers from any other affected areas, plus an independent DCO. The details and recommendations are reviewed by the Director of Information and Customer Access who will confirm if the complainant should be designated vexatious or not.

## **7. Help and Support**

There is extensive information and advice available on the Council intranet for those handling complaints, including sample phrases and forms to use to record complaints.

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