

Report to: Standards Committee – 9 March 2009

Report by: Head of Customer Services

Written by: Carol Cunningham, Corporate Complaints Investigative Link Officer

Revision of the Corporate Complaints Policy

1. Purpose of Report

To bring to the attention of the Standards Committee the Corporate Complaints Policy which will bring into line with current best practice.

2. Recommendations

- That the Standards Committee approves the Corporate Complaints Policy across Portsmouth City Council.

3. Background

In May 2005 the Policy and Review Topic Panel C reviewed the effectiveness of the Portsmouth City Council's complaints procedures. The panel made eighteen recommendations under the following five headings:

- Resourcing the corporate complaints process
- Policy and procedure
- Recording and monitoring complaints
- Staff awareness
- Service to the complainant

As a result, an updated complaints strategy was produced, and was approved by the Executive in June 2007.

One of the panel's recommendations concerned the revision of the complaints process and leaflet. To underpin these revisions it is necessary to further update the policy already in place to ensure that there is total adherence to it from across Portsmouth City Council.

4. Consultation Undertaken

The Strategic Directors Board, Internal Audit, the Head of legal Services and the Complaints Steering & Network Groups have approved the revised policy.

5. Key Changes

- The introduction of the Corporate Complaints Steering and Network Groups. Through these groups the corporate complaints leaflet and policy have been reviewed and revised.

- Complaints can now be made in any format, verbally as well as in writing. The complaints web page has been updated and an e-form is now available for customers to use.
- The complaints policy is now transparent and easy to understand and use, by staff as well as by customers.
- In consultation with other local authorities and with the Corporate Complaints Steering and Network Groups, the timescales of the three-stage complaints process have been redefined in order to ensure that a full and thorough investigation of each complaint can take place.
- The policy now includes a definition of what constitutes a complaint, so that all staff are aware of what Portsmouth City Council considers to be a complaint and can action them in the appropriate manner.
- Complaint service standards have been set. These give staff clear guidelines about how to deal with complaints.
- In line with the Corporate Equality Action Plan and the Corporate Equality Strategy, harassment and discrimination complaints have been included in the corporate complaints policy and leaflet.

6. Equality Impact Assessment

The revised Corporate Complaints Policy has undergone an Equality Impact Assessment

7. City Solicitors Comments

The City Solicitor is satisfied that it is within the Council's powers to approve the recommendations as set out.

8. Conclusion

Members to approve the recommendations set out above.

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 Louise Wilders
 Head of Customer Services

Background list of documents: Customer Services file of papers

PORTSMOUTH CITY COUNCIL CORPORATE COMPLAINTS POLICY

October 2008

**Tanya Cohman
Housing Complaints Manager**

CORPORATE COMPLAINTS POLICY

Introduction

The Council recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. Portsmouth City Council is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers.

This policy framework document outlines in broad terms the Council's core aims and intended approach to the management of complaints. Fundamentally this policy is designed to enable the Council to establish a framework for handling complaints that:

- Sets out a definition of a complaint that can be clearly communicated to both customers and staff.
- Establishes clear minimum service standard that are capable of being monitored and reported.
- Is responsive to the needs of our customers.
- Is transparent and easy to understand.
- Reflects best practice.
- Helps the Council to learn from complaints.
- Enables our staff to deal with complaints effectively at the earliest stage in the process.

Definition of a complaint

Portsmouth City Council have adopted the following definition of a complaint:

"A complaint is any expression of dissatisfaction about a service provided by the council or someone acting on behalf of the council."

Complaint Service Standards

The following represent the minimum complaint standards:

- The complaint will be recorded – this will assist in subsequent complaint analysis.
- Specific response targets will be set for every stage of the complaints process.
- The complaint will be acknowledged – where the complaint cannot be resolved immediately, customers will be provided with a written acknowledgement that provides them with a named contact officer, phone

number, e-mail address and date by which they can expect to receive a full response.

- The progress of outstanding complaints will be monitored- complaint officers will work closely with individual service managers to ensure investigations are completed and responses sent within the required time scale.
- Customers will be kept informed – where a full response cannot be provided for whatever reason, the customer is to be sent an interim response informing them of current progress.
- The Council encourages easy access to the complaints process – customers will be able to make complaints in writing, in person at any council office, over the phone and by e-mail.
- Plain English is to be used in all responses.
- The right to further review – customers are to be informed of their right to have the matter escalated to the next stage of the complaints process if they were dissatisfied with the previous response.
- When requested customer information will be available in Braille, large print, audio- tape, audio CD or in another language.

Complaints Procedure

Portsmouth City Council has a three-stage complaint process. Following the completion of each stage the customer will have the right to have the complaint escalated to the next stage of the process – subject to them explaining why they were dissatisfied with the outcome of the investigation at the earlier stage.

The customer can complain to the Ombudsman direct, but the Ombudsman will only deal with complaints that have been through Portsmouth City Council's three stage complaint procedure.

This policy establishes time scales for the three stages of the complaint's process that are realistic and reflect best practice.

The following are the time scales for stages 1,2 and 3:

- Stage 1 – acknowledgement within 5 working days and response within 10 working days.
- Stage 2 – response within 15 working days.
- Stage 3 – response within 20 working days.

The complainant will be kept informed of any delays and when a full response will be expected.

Any complaints made concerning harassment or discrimination by an employee on a customer will use the same three stage process. The service will deal with these complaints and the Equality and Diversity Team will be available for support and information if required.

Definition of harassment and discrimination

Harassment

“a person subjects another to harassment where he or she engages in unwanted and unwarranted conduct and which is known or ought to be known that it has the effect of:

- a) violating that others dignity, or
- b) creating an intimidating or offensive environment for that other.

Harassment involves repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment”.

Discrimination

“discrimination happens when someone is treated worse (in legal terms, “less favourably”) than another person in the same situation.

You may suffer discrimination for various reasons. It can be because of your race, sex, religion or belief, disability, age or sexual orientation.”

Issues/subject areas falling outside of the complaints policy

Though designed to be as comprehensive as possible it is recognised that certain types of complaint are not intended to be dealt with by the complaints policy and are more appropriately dealt with through other channels. These include:

- Complaints by Council employees about matters relating to their employment that would be more appropriate to be dealt with under the HR personnel policies and procedures.
- Issues for which statutory appeal bodies or tribunals have been established, for example school admission appeals, benefit appeals tribunal etc
- Social Care complaints.

Responsibilities of Portsmouth City Council’s contractors

Organisations contracted to provide services on behalf of the Council will be required to comply with the policy. This includes responding to Council officers with information as requested concerning the complaint and providing assistance in the connection with further investigations as appropriate. Portsmouth City Council will reply on behalf of the contractor. If the contractor receives a complaint direct they will ensure that it is sent to the relevant Service to record and action as appropriate.

Role of the Complaints Network Group

The Complaints Network members will have a key role in ensuring the effective implementation of the policy. Their role will include:

- Ensuring complaints are recorded, acknowledged and allocated to the appropriate officer for investigation.
- Ensuring interim responses are sent where the full response cannot be sent within the target time.
- Ensuring that complaint recording systems remain accurate and up to date to safeguard the integrity and security of the personal data held on these systems.
- Providing management teams with complaints analysis information as and when required.
- Learning from complaints. Identifying areas of service where changes and improvements need to be made and ensuring that the changes have been actioned in a timely manner.

Role of the Complaints Steering Group

The Complaints Steering Group will draw up detailed procedures to support the practical application of the policy. Though understandably departmental procedures will vary to reflect their particular service set-up, the key factors that will be reflected in all procedures will include:

- The acceptance of verbal (not just written) complaints.
- The importance of resolving the complaint at the earliest stage possible.
- Informing the customer of the right to have the matter escalated if they are dissatisfied with the response.
- Recording details of complaints to aid the Council in the learning process.

Departmental procedures will be agreed by the relevant departmental management team and will be subject to regular and comprehensive audit to ensure they are being complied with.