

Corporate Policy and Strategy Committee

10.00am, Tuesday, 7 August 2018

Corporate Complaints Policy

Item number 7.10
Report number
Executive/routine
Wards
Council commitment: [Delivering a Council that works for all](#)

Executive Summary

The Information Governance Unit and the Corporate Complaints Management Group (CCMG) led a Council-wide review of complaints management across Council services, and developed a Corporate Complaint Improvement Plan (Improvement Plan) to strengthen arrangements in this area. One of the key improvement actions was the development of a Corporate Complaints Policy (CCP) to complement existing procedures and to reinforce the Council's commitment to effective complaints handling, and valuing of complaints to help drive service improvement.

Corporate Complaints Policy

1. Recommendations

- 1.1 Committee is asked to approve the City of Edinburgh Council's Corporate Complaints Policy.

2. Background

- 2.1 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public authorities in Scotland. It also promotes best practice, learning and improvement in the management of complaints.
- 2.2 In 2012, the SPSO published a local authority model complaints handling procedure as part of its commitment to implement simplified, standardised complaints handling procedures across the Scottish public sector. The model was adopted by the Council in 2013 as part of its own complaints handling procedures.
- 2.3 While the management of complaints is a service responsibility, a strategic complaints function was created under the Information Governance Unit in 2016 to provide a more coherent and strategic approach to complaints management. The Unit provides a single point of reference for advice and support, and leads the work of the CCMG which promotes and facilitates better complaints management throughout the organisation.
- 2.4 As part of the work of the CCMG, an Improvement Plan was developed following a Council-wide review and consultation process. The Improvement Plan was based on SPSO's Complaints Improvement Framework and managed through the Council's Change Management Board.
- 2.5 Progress against the Improvement Plan was reported to the Council's Governance, Risk and Best Value Committee in October 2017 and June 2018. A key element of the Improvement Plan was the development of a CCP to formalise and demonstrate the Council's commitment to effective complaints handling.
- 2.6 The draft CCP is attached as an appendix to this report.

3. Main report

- 3.1 The CCP has been drafted following consultation with Elected Members, the Corporate Leadership Team, Council services, the SPSO and members of the

- public. It incorporates the latest best practice guidance from the SPSO, and the standards developed by the Scottish Local Authority Complaint Handlers Network.
- 3.2 It sets out agreed standards for recording, managing and reporting complaints, and includes several key elements:
 - 3.2.1 A shared definition of what is and what is not a complaint, based upon the SPSO's direction.
 - 3.2.2 A two-stage process where complaints are resolved as close to the frontline as possible.
 - 3.2.3 Frontline resolution of complaints within five working days.
 - 3.2.4 An investigation stage of 20 working days, which provides the organisation's final decision.
 - 3.2.5 Recording of complaints in a consistent way using agreed complaints categories.
 - 3.2.6 A quality assurance programme to identify opportunities to improve practices around investigation responses.
 - 3.2.7 Active learning from complaints through reporting and publicising complaints information.
 - 3.3 The CCP also defines roles and responsibilities in relation to the handling of complaints to provide greater accountability and ownership of complaints.
 - 3.4 It also confirms the Council's commitment to using complaints in a positive way as a learning tool to improve service delivery and the customer experience.
 - 3.5 While the CCP acknowledges that service standards are not always met, it aims to give customers confidence that they will be given a fair hearing within set timescales.
 - 3.6 In addition to the development of a draft CCP, several other initiatives have been undertaken to improve the handling of complaints throughout the organisation. These are set out below and will help to ensure that the commitments set out in the draft policy can be met and sustained.
 - 3.6.1 The Council's Complaints Handling Procedure has also been subject to consultation and revision. This includes defining agreed complaint categories which will enable consistent recording across the organisation, and increase the Council's ability to analyse data on complaints and learn from it.
 - 3.6.2 One of the most effective ways of enabling a positive attitude to complaints and encouraging a positive culture is to share the learning from complaints. To take this forward, an Internal Complaint Handlers Network has been set up to share best practice and learning around complaint management, and to advocate for a culture that values and learns from complaints.
 - 3.6.3 An outreach and engagement programme has also been established to highlight changes and to promote the importance of good complaint

handling. This has included regular communications to employees, significant engagement with Council services, a revised customer satisfaction survey, and a new complaints leaflet.

- 3.6.4 Central to the complaints management process is the need for appropriate levels of training and awareness to support policy and procedure. The Council's e-learning module on handling complaints for Council employees is being revised and face to face training developed around undertaking investigations and responding to Stage 2 complaints which can be complex and difficult.
- 3.7 It is envisaged that the approval of the draft CCP and continued implementation of the actions set out above will help to improve the handling of complaints, provide our customers with better levels of service, and ensure that a positive complaints culture will continue to evolve.

4. Measures of success

- 4.1 A CCP that supports the efficient handling of complaints throughout the organisation, and demonstrates the Council's commitment to learn from complaints.
- 4.2 A culture within the organisation that values complaints to improve services and handles them efficiently.

5. Financial impact

- 5.1 The SPSO, as part of its findings, can recommend financial recompense for individuals.

6. Risk, policy, compliance and governance impact

- 6.1 The Council must meet various indicators set by the SPSO and consider any recommendations made by them in relation to complaints escalated by members of the public. Failure to do so can lead to poor customer service for citizens, reputational damage for the Council, and potential service inefficiencies.

7. Equalities impact

- 7.1 There are no direct equalities issues arising from this report.

8. Sustainability impact

- 8.1 There are no sustainability issues arising from this report.

9. Consultation and engagement

- 9.1 There has been extensive consultation and engagement with Elected Members, Council services and external stakeholders in implementing the Improvement Plan of which the CCP is a key element.

10. Background reading/external references

- 10.1 [City of Edinburgh Council Complaints Procedure](#)
- 10.2 [City of Edinburgh Council Corporate Complaints Improvement Plan](#)
- 10.3 [Complaints Management, Item 7.1, Governance, Risk and Best Value Committee, 31 October 2017](#)
- 10.4 [Complaints Management, Item 7.8, Governance, Risk and Best Value Committee, 5 June 2018](#)

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1. Appendix

Appendix 1 – City of Edinburgh Council Complaints Policy

Corporate Complaints Policy

Policy statement

- 1.1 The City of Edinburgh Council (the Council) will always endeavour to provide the best service at all times to all its citizens, however, we acknowledge that sometimes things do go wrong. When this happens, the Council is committed to make things right through appropriate complaint management, apology, and service improvement.
- 1.2 Complaints provide valuable feedback in our continuing bid to develop high quality services. Effective complaint management helps to give service users confidence that they will be given a fair hearing within set timescales.
- 1.3 This policy sets out and formalises the Council's approach to complaint management to ensure that all complaints are consistently and properly processed.

Scope

- 2.1 This policy applies to:
 - 2.1.1 All permanent and temporary Council employees, volunteers, people on work placements and elected members when acting as officers of the Council.
 - 2.1.2 All third parties and contractors performing a statutory Council function, or service.

Definitions

- 3.1 **Complaint** - A complaint is an expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority. This includes complaints about all levels of seniority and contracted services.
- 3.2 **Complaints Handling Procedure (CHP)** – the 2 stage complaints procedure introduced to all Scottish Local Authorities by the SPSO. This was implemented by the City of Edinburgh Council in March 2013.

- 3.3 **Frontline Resolution (Stage One)** – first stage in the Complaints Procedure. Straightforward customer complaints which require little or no investigation and can be responded to by any member of staff within 5 working days.
- 3.4 **Investigation (Stage Two)** – second stage in the Complaints Procedure. Complaints that have not been resolved to the customer’s satisfaction at stage one are escalated to stage two, or for complaints that are complex and require an investigation (these complaints are logged directly to stage two). Stage 2 complaints are responded to within 20 working days and requires Senior Management sign off.
- 3.5 **Scottish Public Services Ombudsman (SPSO)** – is the final stage for complaints about all public services in Scotland.
- 3.6 **Complex complaint** – can refer to cross service/directorate issues; or complicated, high risk or serious issues.
- 3.7 **Request for Service/ Service Request** – A request for service is different from a complaint. If a customer contacts the Council to report an issue or fault for the first time, or request a service for the first time e.g. reporting a pothole, streetlight not working or graffiti, this is recorded as a service request. The request or issue may escalate into a complaint if we fail to act on the request, or remedy the issue, within the set service standards, or if the service provided is not deemed to be adequate for whatever reason.
- 3.8 **Service Standards** - are important for customers, employees and management. Service standards should be realistic, clear, measurable and publicised to help define what a customer can expect and to remind management and employees of the challenge and obligations that they face. A failure to meet our service standards can result in a complaint being raised by a customer.

Policy content

Complaint Handling Principles (What will we do)

- 4.1 The Council will have a complaint handling procedure which will:
 - 4.1.1 Work in an open-minded and impartial way
 - 4.1.2 Be simple/accessible for everyone to use and understand
 - 4.1.3 Be led and supported by senior management
 - 4.1.4 Ensure service standards are maintained, and issues learnt from
 - 4.1.5 Comply with the relevant legislation and council policy
 - 4.1.6 Focus on fair, proportionate resolution at the earliest state

- 4.2 When things have gone wrong, we will apologise in line with best practice and recognising the importance this has in terms of good customer service.
- 4.3 The Council will not withhold services, or treat anyone less favourably in accessing services, because they have made a complaint.

How we will deal with a Complaint

- 4.4 All complaints, including anonymous complaints, will be recorded in accordance with the Council's complaint handling procedure.
- 4.5 All complaints will be managed timeously and to the agreed standard set out in the complaints handling procedure.
- 4.6 Reasonable assistance will be provided to customers who want to make a complaint to ensure that they are able to do so, as set out in the complaints handling procedure.
- 4.7 Complaints will be responded to within the agreed timescales advising the customer of the outcome to their complaint along with any actions arising as a result (i.e. service improvements)
- 4.8 The Complaints Handling Procedure will be reviewed annually to ensure it is fit for purpose and reflects best practice.

Proportionality

- 4.9 The Council will deal with all complaints in a fair and positive manner, as outlined within the complaints procedure and will always aim to reach a satisfactory resolution with the customer. Customers will be informed of their right to refer their complaint to the SPSO. This process is designed to balance the Council's duty to respond to customers whilst recognising it is not proportionate to examine the same issue raised with us multiple times where no alternative outcome is possible.

Ex-gratia payments

- 4.10 The Council does not issue ex-gratia (goodwill) payments as part of the complaints procedure.

Complex Complaints

- 4.11 All complex complaints should be recorded directly at stage 2 of the complaints process and assigned to the relevant investigating officer. If the investigating officer considers the complaint to be of high risk, serious or sufficiently complicated then the complaint must be highlighted to the relevant senior manager and head of service.

Quality Assurance

- 4.12 The Council will have a quality assurance process to ensure a consistent approach to complaint handling across services. Issues identified through the quality assurance process will be reported to senior management and the relevant service.

Training

- 4.13 The Council will conduct appropriate training around complaints consistent with employee roles and responsibilities.

Internal Complaint Handlers Network

- 4.14 The Council will support an internal complaint handlers' network led by the Information Governance Unit. This will consist of complaint practitioners from across all Council services and will provide an opportunity to share good practice and learn from complaints in other service areas.

Record-keeping

- 4.15 All complaints will be recorded in a systematic way so that we can use the data for analysis and management reporting.

Performance Monitoring and Reporting

- 4.16 Complaints will be included as part of the Council's performance framework and reported accordingly to senior management. We will publish our performance in dealing with complaints online for both staff and customers. Reports will include volume, type, outcomes and trends. We will use case studies and anonymised examples to demonstrate how complaints have improved services.

Learning from complaints

- 4.17 We will:
- 4.17.1 Use data to identify the root cause of complaints
 - 4.17.2 Take action to reduce the risk of recurrence
 - 4.17.3 Record the details of corrective action
 - 4.17.4 Systematically review performance reports to improve service delivery and achieve greater consistency in complaint management.
- 4.18 Where we have identified the need for service improvement:
- 4.18.1 The action needed to improve services must be authorised
 - 4.18.2 An officer, or team, must be designated the "owner" of the issue, with responsibility for ensuring the action is taken
 - 4.18.3 A target date must be set for the action taken
 - 4.18.4 The designated officer, or team, must follow up to ensure the action is taken within the agreed timescale
 - 4.18.5 Where appropriate, performance in the service should be monitored to ensure that the issue has been resolved.

Implementation

- 5.1 This policy will be implemented as part of the Council's Corporate Complaint Improvement Plan and will be subject to annual review, in accordance with the Council's Policy Framework.
- 5.2 Adherence to the policy will be monitored through CCMG and CLT and reported to Committee as appropriate.

Roles and responsibilities

Employees

- 6.1. All employees must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.1.1 Be aware of service standards relating to their area of work in order to determine whether issues are dealt with as a complaint, or via an alternative route.
 - 6.1.2 Recognise a complaint.
 - 6.1.3 Record complaints in accordance with service systems and procedures.
 - 6.1.4 Complete relevant training.
 - 6.1.5 Resolve frontline complaints to the best of their ability, or assign to a member of staff who can.
 - 6.1.6 Assist investigating officers and/or Managers to deal with investigations.
 - 6.1.7 Provide support and progress updates to Elected Members where a complaint has been made by them on behalf of a constituent.
 - 6.1.8 Feedback learning points to colleagues and managers when appropriate to avoid reoccurring issues.

Managers (including Head Teachers)

- 6.2 All managers must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.2.1 Ensure complaints are identified and managed in their area in accordance with the CHP and service standard procedures.
 - 6.2.2 Support all employees in handling complaints.
 - 6.2.3 Ensure complaints are discussed on a regular basis to facilitate learning and service improvement.
 - 6.2.4 Ensure employees have undertaken appropriate training to respond to complaints that they handle.
 - 6.2.5 Identify complex complaints and escalate to head of service accordingly.

- 6.2.6 Support the work of the Internal Complaint Handlers Network through attendance or nomination as appropriate
- 6.2.7 Ensure complaint information is accurate, timely, and retained in accordance with the Council's retention rules and can be retrieved upon request.
- 6.2.8 Provide appropriate performance information when required, to inform senior management reports.
- 6.2.9 Ensure responses are in line with best practice and Customer Service standards
- 6.2.10 Support and facilitate the quality assurance process.

Heads of Service

- 6.3 All Heads of Service must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.3.1 Responsible for stage 2 investigation sign-off – this can be delegated to the relevant senior manager but the overall responsibility remains with the head of service.
 - 6.3.2 Support the resolution of complex complaint situations
 - 6.3.3 Ensure the timely implementation of recommendations required to improve service delivery, including those identified from internal quality assurance and SPSO recommendations.
 - 6.3.4 Ensure complaints are discussed on a regular basis to facilitate learning and service improvement.
 - 6.3.5 Ensure contractors within their service have a robust complaints handling procedure and is set out in their contracts.

Executive Directors

- 6.4 All Executive Directors must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.4.1 Responsible for managing complaints and the way we learn from them.
 - 6.4.2 Oversee the implementation of actions required as a result of a complaint.
 - 6.4.3 Directors may delegate some elements of complaint handling to other senior management, however Directors retain ownership and accountability for the management of complaints.

Chief Executive and Council Leadership Team (CLT)

- 6.5 Ensures there is an effective complaints handling procedure with a robust investigation process, which demonstrates how we learn from complaints.

- 6.6 Regular management reports will assure CLT of the quality of complaints performance.

Elected Members

- 6.7 Elected Members must be aware of the Council's Complaint Handling Procedure to ensure that the rights of constituents can be upheld when appropriate.

Contractors

- 6.8 Contractors providing services on behalf of the Council must provide a robust complaints process which complies with the Council's complaint handling procedure, and this obligation must be set out in their contract. This applies to all contracted services.

Corporate Complaints Management Group (CCMG)

- 6.9 The CCMG has been established to ensure that there is clear strategic direction for complaints across the Council. It will:
- 6.9.1 Ensure an accountable and consistent approach, visible ownership, and management support across services.
 - 6.9.2 Be responsible for supporting training and opportunities to make service improvements through learning from complaints.
- 6.10 Further details of the role of the CCMG can be found in their Terms of Reference.

Information Governance Unit (IGU)

- 6.11 The role of IGU is to:
- 6.11.1 Undertake independent investigations into complaints escalated to the SPSO to ensure that appropriate systems are in place for complaints handling and customer care.
 - 6.11.2 Ensure the Monitoring Officer, appropriate senior managers and heads of service are made aware of all SPSO complaints and their outcomes.
 - 6.11.3 Provide the SPSO with a single point of contact for all complaints.
 - 6.11.4 Provide information relating to complaints in an orderly, structured way, within requested timescales, providing comments on factual accuracy on the Council's behalf in response to SPSO reports.
 - 6.11.5 Confirm and verify that SPSO recommendations have been implemented.
 - 6.11.6 Promote best practice and sound customer care by using investigation findings and feedback from complaints as a focus for training and service improvement.
 - 6.11.7 Promote best practice by identifying trends and learning opportunities from complaints to inform future practice.

- 6.11.8 Provide a focal point for advice on queries from internal and external stakeholders, in line with Council policy, procedures and statutory obligations.
- 6.11.9 Provide regular performance reports for senior management and highlight complaints data and trends.
- 6.11.10 Provide guidance and training to Council services to ensure appropriate levels of awareness around complaint handling and customer care.
- 6.11.11 Attend the Local Authority Complaints Handlers Network to share good practice and discuss complaint related issues nationwide.

Complaint Investigator

- 6.12 Suitably qualified and trained member of staff who will:
 - 6.12.1 Investigate complaints at Stage 2 on behalf of senior management
 - 6.12.2 Produce a written report or record, in accordance with Council procedure
 - 6.12.3 Draft a response for senior management sign off.
 - 6.12.4 Ensure record-keeping is up to date and accurate.
 - 6.12.5 Escalate any issues relating to the resolution of a complaint to the relevant Head of Service.

Related documents

- 7.1 Council's Corporate Complaints Procedure
- 7.2 Managing Customer Contact in a Fair and Positive Way Policy
- 7.3 Best Practice Guide for Managing Repeated Customer Contact and Handling Difficult Situations
- 7.4 SPSO Guidance on Model Complaints Handling Procedure
- 7.5 SPSO Statement of Complaints Handling Principles
- 7.6 SPSO How to Make a Good Apology
- 7.7 SPSO Performance Indicators for the Local Authority Model Complaints Handling Procedure
- 7.8 SPSO Unacceptable Actions Policy

Equalities impact

- 8.1 There is no adverse impact on any group in terms of race, religion, disability, ethnic origin, sexuality or age in relation to this policy.

Sustainability impact

9.1 There are no sustainability issues arising from this policy.

Risk assessment

10.1 Failure to manage complaints appropriately could lead to:

10.1.1 Potential distress and damage to individuals

10.1.2 Significant reputational damage.

10.1.3 Increased referrals to the complaints regulator, Scottish Public Services Ombudsman (SPSO) which can lead to reports being laid before Parliament.

10.1.4 Potential legal action, and financial damage.

10.1.5 Failure to learn from complaints could lead to service inefficiencies and associated costs.

Review

11.1 This policy will be reviewed annually in line with Council policy framework.