



Caerphilly County Borough Council

Corporate Complaints Policy

Guidance For Officers

GUIDANCE FOR OFFICERS

This guidance is to be read in conjunction with the Corporate complaints policy which will be implemented with effect from 1st April, 2013.

The new process will consist of three stages:-

- Stage 1** Informal resolution
- Stage 2** Formal resolution
- Stage 3** a reference by the Complainant to the Public Services Ombudsman for Wales.

Stage 1 Informal Resolution

This stage offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the concern arises or very shortly thereafter. The first step will normally be an explanation or other appropriate remedial action by frontline staff.

Staff will be required to deal with complaints as they arise with the aim of resolving issues on the spot.

Staff will be expected to recognise the significance of a complaint and understand when it should be referred to a more senior member of staff.

Officers may receive complaints that do not involve their own service, but that of another department. It may be difficult to know to whom the complainant should be referred. In these circumstances staff should direct the complainant to the Council's Corporate Complaints Officer.

Officers may receive a complaint that involves more than one Head of Service's area of responsibility. In these instances, the complainant should be referred directly to the Council's Monitoring Officer or his deputy, who will act as a single point of contact between the complainant and the Council.

Officers must advise complainants how to progress their complaint to the formal investigation stage if they are not satisfied with the outcome of their complaint at the end of Stage 1.

Complainants may wish their complaint to be 'fast tracked' straight through to formal internal investigation. This may particularly be so if there has been disagreements with staff directly responsible for delivering the service. It is the complainant's prerogative to seek to take their complaint directly to the formal stage of the procedure and frontline staff should advise how they may do so.

The relevant Directorate Complaints Officer will be a source of support for frontline staff in respect of local resolution.

The informal resolution stage should be done as quickly as possible and certainly take no longer than ten working days of receipt. If it is not possible to resolve the concern within the relevant timescale, then the matter should generally be escalated to the formal investigation stage.

Stage 2 Formal Investigation

"Investigate Once, Investigate Well" is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations at different levels in the organisation which can result in protracted and sometimes open ended investigations. However, the Formal Stage element of the complaints process is intended to be flexible to respond appropriately to the complaint.

"Investigating well" also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint.

"Proportionate" means that for those complaints not so serious in their nature, the investigation may not need to be so detailed. The following sets out how a complaint should be dealt with at the Formal Stage.

Formal stage complaints should be sent by the complainant to the Corporate Complaints Officer within Legal Services. Any officer receiving a complaint form should forward it promptly.

Having formally received a complaint at the formal stage an acknowledgement should be sent by the Corporate Complaints Officer, email (new generic email to be created) as soon as possible, but within a maximum of five working days.

If the complaint is "out of time", i.e the issue being complained about is older than six months (from the time that the complainant first became aware of the problem), consideration should be given as to whether there are good reasons as to why it should nevertheless be accepted. In such cases the Council's Monitoring Officer should be contacted, who will discuss the matter with the complainant and decide whether or not the complaint should be investigated.

Upon receipt of the complaint the Corporate Complaints Officer will :-

- Offer appropriate advice and assistance to the complainant with regards to the complaints process
- Confirming with the complainant their preferred method of communication and what they want as an outcome to the complaint.
- Provide advice on the availability of support services if they need help in making their complaint.

If the complainant is complaining on behalf of someone else, consideration will need to be given as to whether consent is needed to investigate the complaint.

Having satisfied himself/herself that (s)he sufficiently understands the detail of the complaint the Corporate Complaints Officer will refer the matter to the relevant Directorate Complaints Officer who will:-

- Consult with the relevant Head of Service to identify an officer within the Service Area with sufficient seniority, credibility and independence from the source of the complaint to undertake the investigation, (depending on the nature of the complaint, this may still be someone within the service, section, department, but it may require someone independent from the section/department).
- When deciding on an "investigator", take account of whether the investigation will need to span across more than one service area. All complaints involving more than one Head of Service's area of responsibility will be investigated by the Council's Monitoring Officer or his deputy.

Having recorded the complaint on the complaints handling system on receipt, the Corporate Complaints Officer will keep track of (and record) progress and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. The formal stage complaints process should normally be concluded within 20 working days, commencing on the day following the day that the exact complaint is agreed between the complainant and the Corporate Complaints Officer. Where this deadline cannot be met, complainants must be informed of the reasons and the date when completion can be expected.

The completion of the investigation will be reported to the Corporate Complaints Officer.

Complaints Investigations

A complaint investigation should be a fact finding exercise which is open and transparent and proportionate to the seriousness of the complaint.

However, even though the complaint has reached the formal stage, there may still be potential for resolving the concern to the complainant's satisfaction through a "quick fix" and without having to undertake a full and lengthy investigation. Consideration should be given to the possibility of this.

However detailed the investigation may be, it must be documented in a standard report.

Consideration should also be given as to whether face to face meetings and/or mediation could be a means to resolving the complaint.

Evidence gathering can include:

- Correspondence (letters and email)
- Notes of telephone conversations
- Organisational policies and procedures
- Good practice guidance
- Records (including those specifically relating to complaints under consideration)
- Legislation
- Interviews (including detailed notetaking)
- Site plans and visits
- Photographic evidence
- Obtaining professional/expert advice

Recommendations arising from investigations should be Specific, Measureable Achievable Realistic and Timed (SMART). To assist in this, investigating officers should discuss draft recommendations with the relevant Head of Service to see whether they would be viable and advantageous.

At the end of an investigation a report may be produced and signed off by the relevant Head of Service.

The Report

The report should use a standard template and should include:-

- Background
- The scope of the investigation, as defined by the complaint agreed between the complainant and the Corporate Complaints Officer
- A summary of the investigation and analysis:
 - Details of key issues (setting out a brief chronology of events leading to the complaint).
 - Those who were interviewed (including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc. were involved in the investigation).
 - Other research and evidence gathering (see above).
 - How it happened, i.e. what went wrong
 - Why it happened, i.e. the root cause of the problem (e.g. human error, a systemic failure).
 - The impact it had on the complainant.
- Findings
 - Whether the complaint is found to be upheld.
- Recommendations, if appropriate.
 - If a systemic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again.

Overall, the report should demonstrate throughout that the complaint has been taken seriously, that the investigation undertaken has been fair and, in accord with the seriousness of the complaint, proportionately thorough.

A report should be accompanied by a covering letter or email from the relevant Head of Service. The letter should comment on the report, offering as appropriate.

- An apology.
- An offer of redress.

Even in cases where an investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied. Therefore in all cases, the letter should inform the complainant that if they remain dissatisfied then they have the right to seek an independent external consideration of their complaint. Information about making a complaint to the Public Services Ombudsman for Wales should be provided, with full contact details.

As part of "Investigate Well" all draft formal stage reports and letters consistency and quality by the Council's Monitoring Officer or his deputy may be the subject of review before publication. This is purely to improve the quality of the resulting letter or report and will not in any way impinge on the independence of the investigating officer.

The Final Steps

In cases where a complaint has been upheld and there is a clear systemic issue, the appropriate Head of Service or another nominated officer should ensure that an action plan is devised setting out how the recommendations will be implemented and identify who will be responsible for ensuring their implementation. When appropriate, frontline staff should be involved in this process. The plan should make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

All relevant Reports to be reported to Listening and Learning Group referred to later in the guidance.

Document Retention

On closing a complaint case, working documents used during the course of the investigation are to be retained in an orderly fashion and stored securely. If the complaint becomes the subject of further external investigation such as by the Public Services Ombudsman for Wales, these working documents may be needed as the Council's evidence. In keeping with the Council's Document Retention Schedule, complaint case records should be retained for three years following the business year of closure at the end of the formal stage.

Complaints Involving Potential Legal Or Disciplinary Proceedings

Occasionally, complaints received will involve potential legal or disciplinary proceedings. It may from time to time be necessary to put the investigation of a complaint "on hold" until the conclusion of those other proceedings.

However, it should not automatically be assumed that this is necessary in every case. An assessment should be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, or part of it, without impacting unfairly on the other proceedings underway.

It is important that if a complainant is in a continuing disadvantage as a result of likely poor service delivery that every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the Council is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred in the first place.

Complaints Involving More Than One Head of Service's Area of Responsibility

There are occasions when a complaint received will involve more than one Head of Service's area of responsibility

In such cases the Council's Monitoring Officer or his deputy will undertake the investigation and co-ordinate the response to the complainant.

Complaints Concerning Services That Have Been Contracted Out

Even though we may contract out the provisions of services to private/voluntary organisations, this does not absolve us of our responsibility for those functions.

In a given contract, if no contractual arrangements exist to ensure that complaints are dealt with appropriately by the contractor, the Council will retain direct responsibility to process a complaint under this or another relevant complaints procedure.

Data Collection

The following data shall be compiled and retained:-

1. Input of complaints details.
2. Monitoring of status and time taken.
3. Outcomes.

The co-ordination of the data collection will be undertaken by the Council's Performance Management Unit.

Learning From Complaints/Continual Improvement

The Council has constituted a Listening and Learning Group. This Group meets on a quarterly basis. It consists of the designated complaints officers across the Council and a representative from the Council's PMU and is chaired by the Council's Monitoring Officer.

Detailed statistics and data on complaints, and copies of relevant reports will be produced to the Listening and Learning Group, to monitor performance and to analyse whether patterns exist in the subjects of complaints, either within a service area or across the Council.

In addition six monthly reports will be presented to the Council's Leadership Team and the Audit Committee drawing our lessons learnt over the period and demonstrating how they have contributed to improved service delivery.

Recording & Monitoring Complaints**Staff**

Whilst it is not uncommon for people to look for someone to blame when things go wrong, staff should be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary procedure (however, a separate disciplinary process could take place if this is appropriate).

When requiring staff to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should also be advised as to what will happen after the interview.

The organisational culture should be that reporting a complaint and action taken is seen as a positive act in that it assists organisations learning. If many individuals (perhaps based in many different locations) deal with a similar type of problem without this information being shared with other, then what may be a deep-rooted systemic problem within the organisation may not emerge to the surface. If frontline staff inform the complainant of this (intended) action, it is likely to have a positive effect in terms of good customer relations.

Unacceptable Action By Complainants

The Council's policy recognises that some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on an organisation or unacceptable behaviour towards staff. It is these actions that are considered unacceptable. When an officer considers that a complainant's behaviour may not be acceptable, they should refer to issue to the Council's Monitoring Officer and his deputy for advice.

Equalities Issues

All complaints must be dealt with fairly and without prejudice, irrespective of the background, language needs and circumstances of the person making the complaint or the personal views of staff. It is not always appropriate to take down detailed equalities-related information at the time of a complaint, particularly when vulnerable children or adults are involved for example. The Council has a duty to ask for as much information as possible at some point however, even if the complainant refuses to provide all the information, which is their own right to do so.

This means that all complaints systems must be able to record the relevant Equalities related data of the complainant involved. The Council's iTrent Payroll system already records this data and if you require further advice or guidance, please contact the Equalities and Welsh Language staff in Legal and Governance on (01443) 864353 or at equalities@caerphilly.gov.uk.

All correspondence and meetings with the person making the complaint should be in the language and format of that person's choice. The Translation Services intranet pages have advice on how to arrange this in Welsh, British Sign Language, Braille or other spoken and written languages.