

# Member Report

## Corporate Complaints and Compliment Procedure

### Vexatious Complainants Procedure



## Public

**To:** Governance Committee **Date:** 22 April 2024

**From:** Managing Director (Head of (Paid Services) **Decision type:** For information

**Portfolio:** Resources **Forward Plan reference:**

**Priority:** All Priorities

### 1 What is the recommendation?

It is recommended that Members note and agree the revised Corporate Complaints and Compliments Procedure and the Vexatious Complainants Procedure, following changes made due to the Local Government and Social Care Ombudsman's (Ombudsman) new Complaint Handling Code.

### 2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

2.1 This report supports our goal to drive improvement across Council services. Good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. To this end, in February 2024, the Ombudsman issued the new Complaint Handling Code (Code), which sets out what we should do procedurally to handle complaints. Although the Ombudsman do not intend considering the Code as part of their casework processes until 2026/27, they are expecting Councils to start considering the Code within their complaints handling as soon as they are able to do so.

As a reminder for committee members, the Council's current Corporate Complaints Procedure has an accessible, informal, and resolution-focussed system which currently has three stages. Where an early, informal resolution is not possible at Stage 1 of the process and the complainant remains dissatisfied, the procedure allows for a more formal Stage 2 investigation. There is also a final, discretionary Stage 3 process which involves convening a panel made up of members drawn from the Governance Committee. This 3-stage procedure is one aspect of our complaints arrangements that the new Code has significantly changed.

### 3 Summary of Changes made to the Council's Complaint Procedures to Conform with the Code.

#### 3.1 Corporate Complaint and Compliment Procedure

The following provides a summary of the changes made to the Corporate Complaint and Compliment Procedure which brings the procedure in line with the Ombudsman's requirements under the Code:

- Reduction to a two-stage procedure – The code states that a 'two stage complaint process provides a prompt process for responding to complaints. It allows councils at the stage 2 to carry out a final check on how complaints have been considered and responded to before referral is made to the Ombudsman'. Therefore, the discretionary stage 3 review Panel has been removed from the procedure.

- Complainants must be able to raise complaints through different channels – Under the Equality Act 2010 the council have a duty to make reasonable adjustments to consider the potential needs of individuals who may need to make a complaint. The Code requires that we consider having a ‘clear procedure’ regarding how we will respond to complaints. This was already included within the current procedure; however, slight changes have been made to make it clear that a complaint or compliment can be made to any council staff and any reasonable adjustment agreed will be kept under active review.
- Reduction in the response time at stage 1 - Currently the response time for a stage 1 complaint is within 20 working days of the **receipt** of a complaint. This has now been changed as the Code states that we must respond to a stage 1 complaint within 10 working days of the **acknowledgement** of the complaint. (Under the Code we have 5 working days to acknowledge a complaint)
- Reduction in the time for an extension request at stage 1 – Currently at stage 1 an extension of 20 working days to an investigation time is permitted, under the Code this is now reduced to 10 working days. On the letter to the complainant, alongside informing them of the reasons for the extension we must now provide the contact details of the Ombudsman.
- Complainant’s reasons for progression to stage 2 – Currently when a complainant is requesting an escalation to stage 2, we ask they provide a reason for this. Under the Code complainants are not required to explain their reason for requesting a stage 2 review, it is expected that local authorities should make reasonable efforts to understand why an individual remains unhappy. Therefore, this requirement has been removed from the procedure.
- Extension to a stage 2 investigation – The extension requests for a stage 2 investigation remains 20 working days, however on the acknowledgement letter to the complainant we need to inform the reasons for the extension, and we must now provide the contact details of the Ombudsman.
- Performance Reporting and Continuous Learning Improvements – This is a new section written in the procedure. Under the code accountability and transparency are integral to a positive organisation culture and we are required to report on wider learning and improvements gained from complaints. To facilitate this, we are required to:
  - a) appoint a Senior Officer to oversee complaint handling performance – this is to be the Council’s Monitoring Officer
  - b) appointment of a ‘Member’ - The Governance Committee will lead on responsibility for complaints in governance arrangements acting collectively as the ‘Member responsible for Complaints’.
  - c) Performance arrangements established where the Governance Committee receives regular information on the Councils overall complaint handling performance.

The production of an annual performance and service improvement report is now required. Although we do currently produce an annual report to the Governance Committee, we must now cover all the following requirements under the Code:

1. A self-assessment against the Code to ensure the complaints procedure remains in line with the Code requirements.
2. Qualitative and quantitative analysis of complaints handling performance.
3. Findings of non-compliance with the Code.
4. Service improvements made from the learning from complaints.
5. Annual letter about the Council’s performance from the Ombudsman.
6. Relevant reports or publications produced by the Ombudsman.
7. Publication of the report on the area of the Councils website relating to complaints.

## 3.2 Vexatious Complainants Procedure

In reviewing the Vexatious Complainant Procedure there has been some minor updates to ensure references, job titles and terminology are brought up to date as covered in the Code.

It is proposed that the current steps essentially remain the same, save that at step one where an Official Warning is issued this now has a time limit of six months.

## 4 What are the risks and resource implications?

Type of Risk / Implication	Details
Climate Emergency Impact	No specific impact, Officers reduce travel time with meetings held via Teams.
Health and Safety	There are no direct implications from this report on Health and Safety.
Social Value	An effective complaints system is one which helps an organisation to learn. The oversight and governance of complaints and working with Ombudsman Investigators under a statutory code of conduct to remedy any maladministration, provides an opportunity to contribute to business improvement.
Legal	Corporate complaints processing is good practice and a policy of the Council incorporated in the Constitution. It is a requirement to work with the Local Government and Social Care Ombudsman to address dissatisfaction under a statutory code of conduct.
Financial	Due to the additional requirements within the Code changes, there may be an impact on limited council resources to fulfil the code requirements. Effective complaint learning is essential to ensure that financial risks and remedies from the LGO are minimised.
Human Resources	There are no direct implications from this report on Human Resources.
Equality and Diversity	We will need to ensure that the Code is accessible and available to residents in all formats.
Other	None

## 5 Who has been consulted and engaged?

This report has been discussed at the Resources Directorate Management Team and they support the commitment and continuous improvement of corporate complaints management and will ensure the new Code is fully implemented.

## 6 Appendices and further information

6.1 None

## 7 Background Papers

7 No further background papers were used in writing this report.

## 8 Contact Officer

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