



SCRUTINY MANAGEMENT COMMISSION 1 JULY 2008

Report of the Director of Corporate and Adult Services

Corporate Complaints Procedure

RECOMMENDATION

1. To note the report

SUPPORTING INFORMATION

- 2.1 At their meeting on 4 June 2008 the Scrutiny Management Commission requested a report on the way in which the Council deals with complaints. Derby Homes, Social Services and 'Schools' have each have their own complaints procedures but this report details the working of the Corporate Complaints procedure which applies to the majority of the complaints received about Council services.
- 2.2 The current Corporate Complaints Procedure was issued and approved by the Chief Officer Group in July 2006. A copy of the procedure is attached as Appendix 2 of this report and the procedure is also available from the Council's website (Council, Government, Democracy/Contacting the Council/How to make a Complaint) or via the following link:
<http://www.derby.gov.uk/CouncilGovernmentDemocracy/ContactingCouncilOfficials/howtomakeacomplaint.htm>
- 2.3 Complaints are defined in the procedure (paragraph 13) as '**Any expression of dissatisfaction with a specific service or services provided by the Council, which has previously been raised with the Council and not resolved to the satisfaction of the complainant**'. The scope of the procedure is set out in paragraph 17 and the exclusions in paragraph 18.
- 2.4 The Corporate Complaints Procedure is a multistage process. Initial contact with Contact with a department is treated as a request for service or the report of a problem and should be dealt with promptly but informally by the department in question. It is only if the customer is not satisfied with the department's response to a request for service or the reporting of a problem that the matter becomes a formal

complaint and is dealt with according to **Stage 1** of the Complaints Procedure.

- 2.5 Formal complaints should be made in writing to the Corporate Complaints Officer and there is a Complaint Form that the complainant can use for this purpose. A copy of the Complaint Form is provided in Appendix 3. On receipt of a written complaint the Corporate Complaints Officer:

- Records the complaint
- Sends and acknowledgement to the complainant within **two working days**
- Passes details of the complaint to the nominated investigating officer in the department concerned

The investigating officer is then required to investigate the complaint and either respond to the complainant in **ten working days** or if more time is required to complete the investigation, send the complainant a holding letter within ten working days and thereafter complete the investigation as quickly as possible.

From his/her investigation of the report the investigating officer must decide whether the complaint is to be upheld, partially upheld, or not upheld, and has the discretion to propose a remedy to the customer under the Remedy and Compensation Policy (see paragraphs 63 to 69).

- 2.6 If the customer is not satisfied with the outcome of the Stage 1 investigation of his/her complaint they can ask for their complaint to be investigated under Stage 2 of the Complaints Procedure. The **Stage 2** investigation is conducted by the Chief Executive or his/her nominee.

The Chief Executive must either respond to the complainant within **15 working days** or must send them a holding letter if the complaint requires prolonged investigation. The Chief Executive must also decide whether the complaint is upheld, partially upheld or not upheld and has the discretion to propose a remedy under the Remedy and Compensation Policy

- 2.7 If the complainant is not satisfied with the outcome of the Stage 2 investigation of their complaint the Chief Executive may at his/her discretion refer the complaint to the Standards Committee. This is **Stage 3** of the Complaints Procedure.

- 2.8 At any time during the complaints process the complainant has the option of asking the Local Government Ombudsman to conduct an independent investigation of their complaint. However the Ombudsman will not usually investigate a complaint unless the local authority has had the opportunity to carry out its own investigation

and propose any remedy that it considers appropriate. Last year the Local Government Ombudsman investigated 53 complaints about Council services. I am pleased to report that no instances of maladministration by the Council have been found by the Ombudsman in the last three years.

- 2.9 The current Corporate Complaints Policy incorporates a policy for dealing with 'Unacceptable Behaviour and Habitual or Vexatious Complainants' (Appendix 1 of the Policy – paragraphs 98 to 101). This facility was introduced to deal with the very small minority of complainants who do not use the complaints procedure in the way in which it is intended to be used.
- 2.10 The Corporate Complaints team currently deals with around 300 formal complaints each year. Progress with these complaints is reported to the Chief Officer Group (COG). A copy of a COG report is attached as Appendix 4.

For more information contact:	David Romaine 01332 255598 e-mail david.romaine@derby.gov.uk
Background papers:	Appendix 1 – Implications
List of appendices:	Appendix 2 - Corporate Complaints Procedure
	Appendix 3 – Complaint Form
	Appendix 4 – Example of COG report

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. A robust and properly applied complaints procedure is of benefit to all Derby people

Corporate Objectives

5. This report has the potential to link with all the Council's Corporate Priorities