

STANDARDS COMMITTEE

5 DECEMBER 2006

**CORPORATE COMPLAINTS PROCEDURES REVIEW:
CONSULTATION**

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Purpose of the Report

- 1 To seek the views of Committee in respect of the draft revision of the Council's Complaints Procedures.

Background

- 2 The Council implemented the Corporate Complaints Procedures in 2002. Central to the Procedures is the requirement that all departments and service areas in the Council are responsible for the effective and efficient handling of complaints relating to their service. The Council's Corporate Complaints Procedures set out a process and standards that each department must adopt as a minimum requirement in order to ensure good practice.
- 3 So far as is possible, the Corporate Complaints Procedures have followed the requirements of the social services complaints procedures, as set down by regulations and government guidance. These are the only services within the Council where complaints procedures are governed by legislation. Where the legislation requires a different standard, for example a shorter response time from social services than that set out in the corporate procedures then, clearly, the relevant regulations must be complied with.
- 4 Currently, the Council has a three stage complaints procedure:
Stage 1: Informal Problem Resolution Stage
This is an investigation by line manager responsible for providing the service which is the subject of the complaint.

Stage 2: Formal Investigation Stage

If the complainant is not satisfied at the end of Stage 1, and wants to proceed further, then a senior officer who does not have line management responsibility for the service which is the subject of the complaint will undertake an investigation.

Stage 3: Review Stage.

If the complainant is not satisfied at the end of Stage 2, then in the case of social services complaints an Independent Panel (as required by the regulations) is convened to hear the complaint. In all other cases the Council's Complaints & Appeals Committee will hear the Stage 3 complaint.

- 5 In September 2006 revised regulations relating to adult social services and children's services were introduced. This has necessitated a review of the Council's Corporate Complaints Procedures. At present, the Draft Procedures are out to consultation. The Committee's views are being sought as part of the consultation process.

Revising the Corporate Complaints Procedures

- 6 The new regulations still require a three stage process. However, the stage one procedures have been changed and considerably simplified: the new focus of stage one is far more on problem resolution, rather than formal investigation. This is intended to expedite complaints handling, and ensure a more 'problem solving' approach. The three stages have therefore been renamed:
 - ⇒ Stage 1 – Local Resolution
 - ⇒ Stage 2 – Formal Investigation
 - ⇒ Stage 3 – Review (Panel or Committee)
- 7 Under the new Children's regulations, Stage 1 must be concluded within 10 working days of the complaint being received. With 'complex' cases this can be extended to 20 days. Under the new Adults' regulations, Stage 1 must be concluded within 20 working days of the complaint being received, but in the case of 'complex' cases may be extended and should be concluded 'as soon as reasonably practicable.
- 8 Stage 2 requirements are broadly the same for both children and adults.
- 9 With regard to Stage 3 (Review), the new children's regulations do not permit any elected Members to sit on the review panel, whilst the adults' regulations permit, but do not require, one elected Member. All cases that are not governed by the new regulations will be heard by the Council's Complaints & Appeals Committee, as at present.
- 10 In order to ensure that the Council does not return to the situation where it had several complaints procedures operating in different service areas, the revised corporate complaints procedures have been written to follow, so far as possible, the new adults' and children's services regulations.
- 11 The following is therefore being proposed for the revised Corporate Complaints Procedures:

Stage 1

- 12 It is recommended that with the exception of Children's Services, all complaints should be resolved within 20 working days of receipt, or 40 working days in complex cases. This will apply to all Council departments with the exception of Children's Services, which must complete the complaints in 10 working days, or in complex cases in 20 working days, in order to comply with the children's regulations.
- 13 The handling of the complaint will still be dealt with by the line manager responsible for providing the service which is the subject of the complaint with a view to resolving the complaint locally, and in order to keep the complaint handling time to a minimum.

Stage 2

- 14 It is recommended that the Corporate Complaints Procedures reflect the regulations, allowing 25 working for the completion of an investigation, extended to 65 working days in complex cases. As now, a senior officer who does not have line management responsibility for the service which is the subject of the complaint will undertake the investigation.

Stage 3

- 15 It is recommended that all panels are comprised wholly of independent members, so as to ensure consistency in approach, to standardise administrative arrangements, and to build on 'best practice'.
- 16 A copy of the draft Corporate Complaints Procedures is attached. In addition to the administrative processes mentioned above, the Procedures also offer staff advice in respect of matters such as Good Investigative Practice, Complaints Remedies, 'Time and Trouble Payments', and so on. The general observations or comments of the Standards Committee would also be welcome.

Recommendation

- 17 That the Standards Committee agrees the broad outline referred to in paragraphs 11 to 15 above, and offers any observations or comments on the draft Corporate Complaints Procedures attached to this report.

Background Papers

Middlesbrough Corporate Complaints Procedures (rev 2005)
The Local Authority Social Services Complaints (England) Regulation 2006
The Children Act 1989 Representation Procedure (England) Regulations 2006

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27 November 2006