

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 6 JANUARY 2015

Title:

COMPLAINTS HANDLING IN WAVERLEY IN 2013/14

**[Portfolio Holder: Councillor Robert Knowles]
[Wards Affected: All]**

Summary and purpose:

This report reviews the Council's policy on dealing with complaints, and in particular the guidelines for dealing with complaints received from unreasonable, unreasonably persistent or vexatious complainants. The report was considered by the Corporate Overview and Scrutiny Committee on 25 November 2014.

The report also provides information on complaints handling in Waverley in 2013/14, including the number of complaints received, Waverley's performance in responding to complaints, outcomes, and lessons learned.

Waverley's performance in dealing with Ombudsman complaints is the subject of a separate report.

How this report relates to the Council's Corporate Priorities:

Investigating complaints from members of the public provides Waverley with an opportunity to keep under review and improve the quality of its services to the community, and is a key part of understanding residents' needs. It can also help to identify areas in which the Council could provide better value for money in its services, and can result in action that will improve the lives of residents.

Financial implications:

See paragraph on the Corporate Priorities above.

Legal Implications:

There are no legal implications arising from this report.

Waverley's policy for dealing with complaints

1. Waverley's policy for dealing with complaints from members of the public has been in place for a number of years and a copy is attached as Annexe 1.
2. The policy closely reflects guidance published by the Local Government Ombudsman, which recommends that an effective complaints procedure should have the following features – accessibility, communication, timeliness, fairness, credibility and accountability. A table showing how Waverley's complaints procedure adheres to these principles is attached as Annexe 2.

3. As is made clear in the policy, Waverley aims to deal fairly, honestly and properly with customers who complain and, in general, dealing with customer complaints is a reasonably straightforward process. However, very occasionally a complainant will pursue their concerns in a way that could not only impede the investigation of their complaint, but also result in significant resource issues for the Council. In these cases the complainant may be declared unreasonably persistent (vexatious).
4. The Local Government Ombudsman has recently published a guidance note on how to manage unreasonable complainant behaviour. The Ombudsman recommends that local authorities should have a policy that can be shared with complainants if they start to behave unreasonably, so that their expectations and their behaviour can be managed, as far as possible, while the substance of their complaint is addressed.
5. Waverley's current complaints policy has a short section (see page 4 of Annexe 1) on how the Council will deal with unreasonably persistent complainants. However, following the Ombudsman's recent advice, officers believe it would be preferable to have a 'stand alone' policy document on dealing with unreasonably persistent complainants. This document would expand the current policy by setting out in more detail the reason for having a policy, the actions and behaviours of unreasonably persistent complainants that might trigger the implementation of the policy and other issues to be considered including the consequences for the individual complainant.
6. Members are asked to review the Council's policy for dealing with complaints, and to consider whether there are any changes that should be made to the policy to improve the service provided to complainants. It is also recommended to Members that Waverley should have a more detailed and 'stand alone' policy for dealing with unreasonably persistent or vexatious complainants.

Complaints received by Waverley in 2013/14 - level and outcome

7. The following table shows the total number of complaints received in 2013/14 and in the two previous years at each level:

	Level 1	Level 2	Level 3	Ombudsman	Total
2011/12	92	72	42	8	215
2012/13	208	97	48	2	355
2013/14	336	127	45	7	515

8. The significant increase in Level 1 and 2 complaints in 2013/14 is due mainly to an increase in complaints about Housing, and in particular the Responsive Repairs Service. The following factors are considered to have contributed to this increase:
 - (a) higher expectations of tenants as a result of more funds being made available to improve tenants' homes;
 - (b) improved recording by staff of expressions of customer dissatisfaction by housing tenants; and
 - (c) a continuing shortfall in the performance of some of the Council's contractors during 2013/14.

9. Housing received a total of 348 complaints (*compared with 177 in 2012/13*), followed by Planning which received 84 complaints (*61 in 2012/13*) and Environmental Services which received 53 complaints (*42 in 2012/13*).
10. Attached as Annexe 3 are tables showing the number of complaints received by each service, and the percentage closed within 10 working days.
11. The table attached as Annexe 4 gives details of the outcome of the complaints received by each service. In 2013/14 there was small increase in the percentage of complaints upheld, ie 32% compared with 30% in 2012/13. There was also an increase in the percentage of complaints partly upheld, ie 20% compared with 14% in 2012/13, and a corresponding decrease in percentage of complaints not upheld ie 48% compared with 56% in 2012/13.

Waverley's performance in responding to complaints

12. There are currently three local performance indicators on complaints handling which are reported quarterly to the Corporate Management Team:
 - LI 1a – the number of level 3 and Ombudsman complaints
 - LI 1b – the total number of complaints received
 - LI 1c – percentage of complaints handled within WBC target time (currently 95% of complaints to be responded to within 10 working days)
13. The current target of dealing with 95% of all complaints within 10 working days has been in place since 2007. However, the target has not been met corporately, on either a quarterly or annual basis in any year since then, although there have been some months when individual services areas have achieved a performance of over 95%.
14. In 2013/14 71% of all complaints were responded to within 10 working days, compared with 73% in 2012/13. It is difficult to explain the reason for this slight fall in performance, other than to suggest that it may just be the result of the significant increase in the number of complaints received. It is also quite possible that some of the responses which fail to meet the Council's target are missing that target by just one or two days.
15. As has been mentioned in previous reports on complaints handling, officers need to balance the requirement to respond to complaints within 10 working days with the need to give the complainant a comprehensive response to their complaint. It is considered that a comprehensive response is likely to be more acceptable to the complainant than an incomplete response that is sent within the current target of 10 working days.
16. A further point to bear in mind is that Level 2 and 3 complaints often require more in-depth investigation, and it can take some time to obtain all the information needed for a comprehensive response. The investigation of Housing complaints can be particularly time-consuming, as it is often necessary to obtain information from the Council's contractors.

17. It is therefore recommended that the Council increases the timescale for dealing with Level 2 and 3 complaints from 10 to 15 working days. This timescale would ensure that all complaints at Level 2 and 3 are responded to in a comprehensive and timely manner, while at the same time complying with the Local Government Ombudsman's recommendation that complaints should be resolved within 12 weeks of receipt.

Lessons learned

18. Learning lessons from complaints is an important part of improving Waverley's services and all staff are encouraged to log complaints.
19. When complaints are closed, the Service Complaints Administrators record any lessons learned. As in previous years, the majority of lessons learned in 2013/14 concerned procedural/administrative issues and the need to improve communication with the customer. Annexe 5 gives some examples of these.

Councillor complaints

20. Two Members have asked recently why there is not a separate procedure for Members to raise their concerns about how the Council has dealt with a particular complaint.
21. Members can of course assist and represent complainants in pursuing their complaints with the Council, either through the corporate complaints policy or in accordance with paragraphs 17 and 18 of the Member-Officer Protocol (attached as Annexe 6). Officers believe therefore that given the existence of these procedures there is no need for a separate policy for dealing with Councillor complaints.

Conclusion

22. In 2013/14 there was a further deterioration in the Council's performance with regard to the time taken to respond to complaints. All services have since been taking steps to address this issue through raising staff awareness of the complaints procedure as part of the Council's initiative to improve customer care.
23. It is disappointing that there has been an increase in the number of complaints received from tenants in respect of housing repairs. However, there are signs that the situation is now improving, with a reduction in the number of housing complaints received in the first two quarters of 2014/15.

Observations from Corporate Overview and Scrutiny Committee

24. The report was considered by the Corporate Overview and Scrutiny Committee on 25 November 2014 and the Committee endorsed the recommendations set out below.

Recommendation

It is recommended that

1. there should be a 'stand alone' policy for dealing with unreasonably persistent complainants; and
2. the timescale for dealing with Level 2 and 3 complaints should be increased from 10 to 15 working days.

Background Papers

There are no background papers (as defined by Section 100D (5) of the Local Government Act 1972) relating to this report.

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