

London Borough of Hammersmith & Fulham

# Cabinet

## BACKGROUND DOCUMENT

11 February 2013

**Item**

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7. STRATEGIC REVIEW OF THE COUNCIL'S CORPORATE COMPLAINTS POLICY

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# Agenda Item 7

## STRATEGIC REVIEW OF THE COUNCIL'S CORPORATE COMPLAINTS POLICY 14<sup>TH</sup> JANUARY 2013

### 1. H&F CORPORATE COMPLAINTS POLICY: INTRODUCTION OF A TWO STAGE CORPORATE COMPLAINTS POLICY

1.1 The Council currently has a three stage complaints policy. Since the introduction of icasework in 2010 the Council's overall management of complaints has improved to the extent that we are now in a position to introduce a streamlined two stage complaints policy that will be less time consuming and have other tangible benefits to customer and the Council. This report explains why officers consider that it is now time to update the complaints policy. What the new policy comprises of and the steps that have been taken to ensure a smooth transition.

1.2 The rationale for change is attached at Appendix 1

1.3 To reflect the changes, an updated version of the Corporate Complaints Policy is attached (Appendix 2).

1.4 Under our current Corporate Complaints Policy, once the h&f InTouch have determined that the complaint should be investigated further, it is passed back to the service to manage. The h&f InTouch team do not intervene in how the complaint is being handled or in the content of the response, unless the response to the complaint is not issued in a timely manner, or when guidance is sought from the service.

1.5 It is proposed that, from 1 April 2013, all future Stage 2 complaints will be managed by the h&f InTouch team, who will take overall responsibility for the response to the customer. The following model is being proposed:

Day 0-3: Stage 2 request assessed, customer contacted to discuss ongoing concerns.

Day 3-5: Decision made as whether to escalate complaint. Decision communicated to customer, Head of Service and Executive Director.

Day 5-15: If the complaint is accepted for further investigation, the Head of Service and Executive Director will be given an opportunity to comment and/or make a proposal for resolving the complaint. In the meantime, the h&f InTouch team will also investigate and reach a view on the complaint, which will be communicated to all parties.

Day 15-20: Outcome of complaint is agreed upon and communicated to customer. Any promised follow-up actions will be owned by the service, but monitored by the h&f InTouch team.

1.6 Effectively, the h&f InTouch team will act as mediator at Stage 2, ensuring that the customer's voice is heard, that the service can account for their actions and that the correct decision is made, consistently, to avoid unnecessary escalation

to the Local Government Ombudsman, or to the new Housing Ombudsman – who assumes responsibility for all housing matters – from 1 April 2013.

- 1.7 The h&f InTouch team will support departments, including those services which are bi-Borough, to prepare for the proposed changes through training, advice and guidance.

## **2. EQUALITY IMPLICATIONS**

- 2.1 Sections 6.2 and 7.3 of the policy sets out the Council's application of equality, and human rights considerations (respectively).
- 2.2 When discharging its functions, the Council has a duty under the Equality Act 2010 to give due regard to the need to advance equality of opportunity, remove disadvantage, and to foster good relations. Advancing equality of opportunity may involve treating some groups, such as disabled people, more favourably than others. This is known as the public sector equality duty ('PSED'). Responding to complaints falls into the scope of discharging our functions. Treating some groups more favourably will need to be considered by officers on a case by case basis and provision is made for this in the policy at 3.3 which sets out advocacy for those who lack capacity.
- 2.3 As per 6.2 of the policy, the Council will monitor complaints in order to find out if any complaints arise from equality related matters e.g. if there is a pattern of complaints that are upheld that have been made by a group of people that share a protected characteristic. Equally, where complaints have been made by a group that shares a protected characteristic, a review could consider whether the way in which that group accesses our service(s) should be reviewed such that the group better understands what the service delivers and what they can expect from it. These are non-exhaustive examples of how the policy may be applied.
- 2.4 The PSED is a continuing duty and the ways in which the policy addresses that is set out in 3.2 and 3.3 of this report.
- 2.5 The Council will also need to consider human rights in some cases where it is alleged that these have been breached. Officers are likely to require assistance from the Legal Services department in such cases.

## **3. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE & CORPORATE SERVICES**

- 4.1 Savings are already in train in Executive Services of £558,000 by 2014/15 as part of the Business Support Review. This change to a new two stage complaints system will contribute to the delivery of these savings.

## **4. COMMENTS OF THE DIRECTOR OF LAW**

Both the Local Government and the Housing Ombudsman require the Council to have a proper and effective complaints system.

## **5. RECOMMENDATIONS**

6.1 Briefings to Cabinet is therefore asked to note the following recommendations to Cabinet:

1. The new Corporate Complaints Policy is agreed and implemented with effect from 1 April 2013.
2. The new model for managing Stage 2 complaints is agreed and implemented on all Stage 2 complaints recorded after 31 March 2013.

Lyn Anthony  
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