

Report title	Corporate Complaints Procedure	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Val Gibson Governance	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable Director	Mark Taylor, Deputy Managing Director	
Originating service	Customer Services, Customer Feedback Team	
Accountable employee	Sarah Campbell	Customer Engagement Manager
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Report to be/has been considered by	All Leadership Teams	March 2019

Recommendation for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the amendments to the Corporate Complaints Procedures to put in place a 12-month time limit for making a corporate complaint and revisions to the compliment process.

1.0 Purpose

- 1.1 To approve an amendment to the Corporate Complaint Procedures to put in place a 12-month time limit for making a complaint and to include a compliment process.

2.0 Background

- 2.1 The Corporate Complaint Policy does not currently contain a formal time limit on how far back a complainant can go when raising a complaint, however, an informal 12-month limit has been operating within the complaints function. The lack of a formalised time limit is contrary to complaint procedures operated by all other regional local authorities, by the Local Government Social Care Ombudsman, by Health Services and Partner agencies. The 12-month time limit is also outlined as best practice for local authorities by the Local Government and Social Care Ombudsman and is already contained in existing statutory complaint regulations for social care complaints.
- 2.2 The Corporate Complaints procedure does not currently include a process to be followed when receiving a compliment.

3.0 Proposed process for 12-month time limit

- 3.1 A person wishing to raise a complaint should do so within 12 months of the incident or within 12 months of the matter coming to their attention. The time limit may not apply where the complainant sets out a clear reason for not making the complaint within that time limit. However, it still needs to be possible to investigate the complaint effectively and fairly.
- 3.2 The Complaints Manager will assess whether the complaint can be accepted after the 12-month period has elapsed. If the complaint is not accepted due to the 12-month time limit, then the reasons for the decision must be provided to the Director of Governance to determine if the complaint can or cannot be accepted.
- 3.3 Where a complainant is advised that their complaint cannot be accepted they will receive written reasons for this, advice and contact details about how to contact the Local Government Social Care Ombudsman should they remain dissatisfied with the decision.
- 3.4 Any complaint not accepted will be recorded in the formal Annual performance report presented to Leadership Teams, Strategic Executive Board and Scrutiny Board.

4.0 Criteria for deciding if a complaint cannot be accepted due to exceeding 12-month time period

- a. The complaint has previously been raised and enquiries made/concluded.
- b. The complaint does not fall within the corporate complaint process, e.g. safeguarding, child protection, benefits appeals, a claim against the Council. Where this applies, the complainant will be advised of their options in pursuing matters and the appropriate route to take.

- c. The complaint issues involved are historical with no realistic likelihood of being able to enquire into the issues, for example no available records, key members of staff no longer in employment
- d. The issues have been dealt with previously under different procedures, e.g. Court, Appeal, Tribunal

5.0 Exceptions

5.1 A complaint raised outside of the 12-month time period should still be considered, registered and responded to where:

- The person raising the complaint can show that they were not in a position to raise a complaint before, e.g. health, personal safety, lack of support, incapacity.
- The person raising the complaint has not been able to raise their complaint due to court case, appeal, tribunal, etc.
- Where there is a likelihood that the complaint issues can still be enquired into.

5.2 The complainant will receive a letter from the complaints service setting out whether their complaint is accepted and it will proceed, or alternatively once the decision is formally reached that they cannot log a complaint they will receive a letter explaining the reasons for this and setting out their options should they wish to pursue matters through an alternative route.

6.0 Proposed compliment process

6.1 A paragraph has been added to the complaints policy to include the compliment process to be followed when receiving a compliment. All employees will be reminded that where possible an acknowledgement should be sent on receipt of a compliment and a copy of this correspondence should be retained on file.

7.0 Evaluation of alternative options

7.1 Different time periods have been considered, however, they have been rejected as this is not in line with best practice for local authorities by the Local Government and Social Care Ombudsman and is already contained in existing statutory complaint regulations for social care complaints.

8.0 Reason for the decision

8.1 Introducing a 12-month time limit and compliment process would:

- a. Bring the Council in line with best practice and policy from other Local Authorities, the Local Government and Social Care Ombudsman and public bodies.
- b. Provide consistency in approach.
- c. Provide effective early information to local people who may wish to raise a complaint.

9.0 Financial implications

- 9.1 There are no direct financial implications associated with the recommendations in this report.
[DB/27022019/G]

10.0 Legal implications

- 10.1 There are no direct legal implications associated with the recommendations in this report but it is recommended that the Council should follow best practice, as set out elsewhere in this report.
[DC/27022019/I]

11.0 Equalities implications

- 11.1 The Equalities team has been consulted and an equality analysis has been carried out by the Customer Feedback Team. There are no equality implications associated with the complaint procedure.

12.0 Environmental implications

- 12.1 There are no environmental implications associated with this report.

13.0 Human resources implications

- 13.1 There are no human resource implications associated with this report.

14.0 Corporate landlord implications

- 14.1 There are no corporate landlord implications associated with this report.

15.0 Health and Wellbeing Implications

- 15.1 The complaints element of the procedure is part of a wider assurance process supporting quality in service delivery standards. This can then be a positive experience for customers and contribute to their health and well-being. For those occasions where the experience which has led to a complaint is a less positive one, then there is an opportunity for appropriate action or redress so that the health and well-being of the complainant and/or relevant others is secured. The compliments process allows customers to note great practice by the Council; positive experience of employees working in many different settings will support improved experience of health and well-being for individuals as well as for staff who can be satisfied that their work is appreciated.

16.0 Schedule of background papers

- 16.1 None for consideration.

17.0 Appendices

- 17.1 Appendix 1 – Complaints Procedure