

Appendix 1

COMPLAINTS REPORTING

Service Directors Investigation – Table 1

STAGE ONE	Target	07/08 Qtr1	07/08 Qtr 2	07/08 Qtr 3	07/08 Qtr 4
a. No. of complaints received in period		122	45	71	66
b. No. of complaints acknowledged in 3 working days		105	44	65	64
c. % Acknowledged in 3 Working Days	95%	86%	98%	91%	97%
d. No. of complaints answered in period		63	24	56	50
e. % Answered in 20 Working Days	85%	52%	53%	79%	76%
f. No. of complaints upheld or part-upheld in period		5	3	12	13
g. % of complaints upheld or part-upheld in period		4%	6%	16%	18%

Qtr 4 Outcome	Type of complaint	Responsible Officer	Action Taken/Required
Part Upheld	Children & Families	tba	Apology given
Part Upheld	Revenues/Housing Benefit	Customer Services Officer	Reminder to staff of procedure
Part Upheld	Revenues/Staff	Customer Services Officer	Apology given
Part Upheld	Education/School	Quality Improvement Officer	Apology given
Upheld	Education/School	Quality Improvement Officer	Apology given & review of current policy
Part Upheld	Education/Staff	Head of Educational Resources	Apology given
Part Upheld	Education/School	Quality Improvement Officer	Apology given & reminder to pupils of expected behaviour
Part Upheld	Environmental Protection/Lands & Parks	Support Services Officer	Equipment to be adjusted
Part Upheld	Education/School	Quality Improvement Officer	Improve communications between home and school
Part Upheld	Housing	Senior Area Housing Manager	Regular Tenancy Checks
Part Upheld	Housing	General Manager Building Services	Improvement measures put in place
Part Upheld	Community Care Services	Senior Community Care Officer	Apology given & review of situation to be undertaken
Upheld	Community Care Services	Area Operational Manager	Review undertaken of all day service attendees and a risk assessment on transport for each individual

Appeal to Chief Executive – Table 2

STAGE 2	Target	07/08 Qtr1	07/08 Qtr 2	07/08 Qtr 3	07/08 Qtr 4
a. No. of appeals received in period		7	3	5	6
b. No. of appeals acknowledged		7	3	5	6
c. % Acknowledged in 3 Working Days	95%	100%	100%	60%	100%
d. No. of appeals answered		5	2	5	4
e. % Answered in 20 Working Days	85%	71%	67%	100%	66%
f. No. of appeals upheld or part-upheld in period		1	0	0	0
g. % of appeals upheld or part-upheld in period		14%	0%	0%	0%

Complaint Review Committee (CRC) – Statutory Social Work Complaints

None

MSP Complaints – Table 3

MSP Complaints - STAGE ONE		Target	07/08 Qtr1	07/08 Qtr 2	07/08 Qtr 3	07/08 Qtr 4
a. No. of complaints received in period						
b. % Acknowledged in 3 Working Days		95%	1 st Quarter figures included in Table 1	42 100%	50 100%	32 84%
c. No. answered in period						
d. % Answered in 20 Working Days		85%		32 76%	46 92%	30 93%
e. No. of complaints upheld or part-upheld in period				0 0%	1 2%	2 6%
f. % of complaints upheld or part-upheld in period						

Outcome	Type of complaint	Responsible Officer	Action Required
Upheld	Housing/Planned Maintenance	Capital Programmes Manager	Contract scheduled for 2008/09
Part Upheld	Revenues/Council Tax	Customer Services Officer	Apology given & recovery deleted

OMBUDSMAN INVESTIGATIONS – Table 4

Ombudsman Investigations		07/08 Qtr1	07/08 Qtr 2	07/08 Qtr 3	07/08 Qtr 4
a.	Referrals Received	5	0		6
b.	Cases currently under Investigation	1	2	7	6
c.	Cases upheld/part upheld	1	1	1	1
d.	Cases not upheld		1	1	
e.	Cases not pursued/discontinued			5	5

Outcome	Type of complaint	Responsible Officer	Action Taken/Required	Response Date
Part Upheld (from Qtr 3)	Development Services/Planning	Development Control Manager	Review enforcement procedures & guidelines and meet with complainant	End March 2008 – deadline extended to end May 2008 to consider additional material
Part Upheld	Development Services/Building Control & Planning	Development Control Manager/Building Control Manager	Resolve issues and review decision protocols/procedures	Planning procedures amended –Building Control considering enforcement action

ITEM: 19
PAGE: 9

RESTRICTED ACCESS – Table 5

Department	Access Condition	Authorised By	Review Date
Housing x 2 cases	Contact limited to nominated officers	Chief Housing Officer	Monthly
Chief Executive x 5	Contact via Corporate Complaints Officer – unreasonable persistence	Corporate Complaints Officer	June 2008

ITEM: 19
PAGE: 10

THE MORAY COUNCIL

COMPLAINTS POLICY

2008 Version

1. INTRODUCTION

The Corporate Development Plan recognises Complaints as an important component of Best Value. The most successful organisations are those that have moved toward a culture that perceives complaints as an opportunity rather than a threat providing a chance to restore the Council image as a fair and honest organisation prepared to listen to its customers. This policy sets out the arrangements for complaint handling and reflects the Moray Council commitment to provide a fair and impartial system responsive to public need.

2. RATIONALE

2.1 Those who complain should not be seen as adversaries or nuisance but as a valuable source of feedback on service delivery. In order to provide effective services it is essential to develop a positive approach treating those who complain in an open helpful manner providing fair and equitable remedies clearly linked to service improvements. However whilst complaints are an important aspect of business life all organisations have to balance the demands of individuals against the needs and aims of the organisation. Those in charge or managing the complaint process will have to maintain this balance, weighing up the evidence in order to decide what is fair and reasonable in the circumstances of each case.

This policy addresses the need to provide the public with a fair and impartial system for resolving complaints and also recognises our commitment to Council staff who have a right to work in an environment that is free from harassment, threat and intimidation. Unacceptable behaviour towards staff will not be tolerated and action taken against those who behave in such a manner.

3. POLICY AIM

The aim of this policy is to provide effective remedies that will be used to ensure Council Services are delivered fairly and impartially and where possible outcomes are used to generate service improvements.

3.1 Objectives

The policy aims are supported by the following objectives:

- (i) Complaints procedures are customer focused promoting a culture that values complaints as an opportunity to resolve problems and to put things right where they have gone wrong
- (ii) Services meet the standards of conduct outlined in the Customer Care Policy
- (iii) Complaint procedures are easy to understand and are widely available.
- (iv) Remedies are fair, equitable and timely as well as supporting the Council commitment to diversity and equality.
- (v) Performance on Complaints will be monitored and outcomes used to generate service improvements.

3.2 Definition of a Complaint

In order to be clear about what is considered to be a complaint the Council has adopted the following definition devised by the Commissioner of Local Government in Scotland (the Ombudsman):

“A complaint is an expression of dissatisfaction with the Council’s procedures, charges, employees, agents or quality of service.”

Complaints can be wide ranging but typically will fall into the following general categories: -

- Dissatisfaction with the service provided, including failure to achieve specific standards of service, where applicable.
- Delays in responding.
- Employee attitude.
- Dissatisfaction with a Council decision, or the way it has reached that decision.

ITEM: 19
PAGE: 13

3.3 Matters not regarded complaints: -

- initial reporting of faults;
- request for a service;
- dissatisfaction with Council policy or decision by Council's committees or sub committees. These should be taken up with the appropriate councillor
- Insurance claims
- Legal matters
- Outcomes of planning applications and planning enforcement although complaints about the application procedures associated with these functions will be considered

3.4 Matters covered by other systems

- Complaints about the conduct of Elected Members are the responsibility of the Standards Commission
- Statutory Social Work Complaints- these have separate procedures.
- Housing Support Services- contact the Care Commission
- Where a statutory right of appeal exists i.e. Planning refusal, exclusion of pupils from school, valuation appeals- The appropriate appeal procedure must be used in such instances rather than the complaints procedure

4. PROCEDURES

4.1 Access

Complaints procedures will be customer focused and support the principles of fairness, openness, and public accountability. Complaints can be made in writing, over the telephone or in person and information about making a complaint will be provided in different formats to meet stakeholder need. Leaflets will be available to the public explaining how to make a complaint and this information will also be published on the Council Website.

4.2 The Process

The Moray Council Complaints procedure is a two-stage process.

Stage One – Departmental Investigation

These will be dealt with at departmental level. The Service Director will normally delegate the complaint to the Head of Service responsible for the service area that is the subject of the complaint. The Head of Service will appoint an investigating officer who will consider all of the relevant evidence in order to recommend what is fair and reasonable in the circumstances of each case. The Outcomes of complaints investigations will be recorded and state whether the complaint is

- Not upheld -
- Upheld -
- Part-upheld -

Any complaint that is upheld or part-upheld one or more of the following remedies should be offered:

- Redress –
- Reparation –
- Reimbursement-

With all upheld or part upheld outcomes the service would be expected to learn from the experience and introduce corrective action that would avoid future repetition of a similar mistake

Stage Two - The Appeal Stage

Complainants who remain dissatisfied with the outcome of a Stage one investigation can appeal to the Chief Executive within three months of receipt of the Stage one response.

Grounds for appeal will be considered against the following criteria:

- That the stage one response was made in accordance with Council policy and within limits of any delegated authority
- That the complaint procedures were correctly observed
- That all available evidence was considered and no relevant new evidence has been submitted.
- That the appeal is not out of time

If any of the above criteria have not been met the appeal will be investigated by the Corporate Complaints Officer and a report including recommendations submitted to the Chief Executive.

The Chief Executive will respond to the appeal advising the complainant of the outcome. The Council now considers the complaint closed however if a complainant remains dissatisfied, they can refer their complaint to the Scottish Public Services Ombudsman. Separate procedures exist for Social Work Complaints.

Enquiries about Complaints through MP/MSP's

Enquiries made through MP/MSP's about matters that have not previously been raised as a complaint will be referred to the appropriate Service Director who will treat the matter as a stage one complaint. The MP/MSP and the complainant will be advised accordingly.

4.3 Scottish Public Service Ombudsman

Once the Council complaints procedures have been exhausted and if a complainant still remains dissatisfied they can refer their complaint to the Scottish Public Services Ombudsman who provides an external, independent, free and fair response to complaints about public services.

5. SERVICE STANDARDS for COMPLAINT HANDLING

5.1 Process-Response Times

Upon receipt of a complaint an acknowledgement will be sent within 2 working days. A full response will normally be sent within 20 working days and, if this cannot be achieved, an interim response will be sent stating the reason and offering a revised response date. These timescales apply to both stages of complaints and comply with the Customer Care Policy. Complaint details will be logged on the complaint database to enable the service to track progress and produce reports.

Targets for responses to complaints are set and agreed annually. For 2007/08 they are
100% for acknowledgments
85% for responses

5.2 Outcomes- Content

Responses will advise complainants whether of the outcome of the investigation is:

- Not upheld - The investigation concludes that the Council has acted properly and there is no further action to be taken
- Upheld - The investigation concludes that the council was at fault, this should be linked to any identifiable service improvement that will prevent a reoccurrence.

- Part-upheld - The investigation concludes that the council was at fault in part and acknowledges this. The part-upheld outcome should also be linked to service improvement.

For any complaint that is upheld or part-upheld one or more of the following remedies should be offered:

- Redress – This enables the service to put things right when they have gone wrong, admit where mistakes have been made and offering apologies where appropriate.
- Reparation – Reparation, authorised by Director or Head of Service level, is about repairing relationships and will typically involve some moral or ethical consideration in terms of the way the Council has behaved. Remedies range from an apology for a mistake to a gesture that could be financial, i.e. ex-gratia payment. Reparations are aimed at restoring the image of the Council and maintaining public confidence
- Reimbursement- Any reimbursements are authorised by Directors or Service Heads and may cover agreed actual costs incurred as a direct result of mistakes made by the Council.

Compensation – Compensation is outwith the scope of the Complaints Policy. Complainants seeking compensation should be referred either to the Council insurers or to Legal Services -where compensation would be a matter for the courts to decide.

6. PERFORMANCE MONITORING and REPORTING

The Service Standards form the basis of management reports about complaint handling. Directors will report Stage one outcomes to Service Committees and the Chief Executive will report overall performance including Stage two outcomes to the Policy Committee and annually to the Audit and Performance Committee. This will provide a forum for Elected Members to scrutinise and challenge the Council performance on complaint handling

Information about how the Council complaints system has performed will be published in the Public Performance Report and be treated as a platform for further engagement with stakeholders.

7. RESOURCES

The resources required to deliver this policy are contained within existing staff complements and non-staff operating budgets. There are no additional costs to the Council.

8. CONSULTATIONS

This Policy was produced following consultation with the Scottish Public Service Ombudsman and also draws on best practice drawn from other Local Authorities. It includes revisions from the annual review complaint procedures and has been Diversity and Equalities impact assessed. The risks identified have been incorporated into the complaint procedures.

9. AUTHORISATION & REVIEW

The policy will be reviewed at quarterly performance reviews. Changes and improvements arising from those operational reviews will be submitted to the Policy Committee annually for approval.