

Democratic Services

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Date: 5 July 2013

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To: All Members of the Resources Policy Development and Scrutiny Panel

Councillor John Bull
Councillor Roger Symonds
Councillor Colin Barrett
Councillor Paul Myers
Councillor Charles Gerrish
Councillor Barry Macrae
Councillor Nigel Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Resources Policy Development and Scrutiny Panel: Monday, 15th July, 2013

You are invited to attend a meeting of the **Resources Policy Development and Scrutiny Panel**, to be held on **Monday, 15th July, 2013** at **5.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Michaela Gay
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Michaela Gay who is available by telephoning Bath 01225 394411 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Michaela Gay as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Michaela Gay as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Resources Policy Development and Scrutiny Panel - Monday, 15th July, 2013

at 5.30 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES (Pages 7 - 14)

To approve as a correct record the minutes of the previous meeting held on Monday 17th June 2013.

8. CORPORATE COMPLAINTS POLICY AND PROCEDURES (Pages 15 - 66)

A report on the Corporate Complaints Policy and Procedures is attached.

9. BUSINESS RATES AND COUNCIL TAX - COLLECTION AND MANAGEMENT (Pages 67 - 76)

The report on 'Business Rates Collection and Recovery' is attached. Further information regarding Council Tax will be given at the meeting.

10. REVIEW OF DELIVERY OF BUDGET SAVINGS AND INCOME

There is no report attached, there will be a presentation at the meeting.

11. CABINET MEMBER UPDATE

This will be a verbal update. There is no report attached.

12. PANEL FUTURE WORKPLAN (Pages 77 - 80)

The future work plan for the Panel is attached.

The Committee Administrator for this meeting is Michaela Gay who can be contacted on 01225 394411.

BATH AND NORTH EAST SOMERSET

RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL

Monday, 17th June, 2013

Present:- Councillors John Bull (Chair), Roger Symonds (Vice-Chair), Colin Barrett, Paul Myers, Charles Gerrish, Barry Macrae and Nigel Roberts

1 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting and introduced Councillor Roger Symonds as the new Vice Chair of the Panel.

2 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

Councillor Myers declared an 'other' interest in Item 11 'Response to PDS Recommendations – Community Asset Transfer Review' as he is involved in a community asset transfer but not one that is related to this item.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

A member of the public, Ms Kanter Dicorato (M&K Hardware, Guildhall Market) made a statement to the Panel regarding item 9 'Grand Parade and Undercroft'. A copy of the statement can be found on the Panel's Minute Book.

Mr Alex Schlesinger sent a statement to the Panel regarding item 9 'Grand Parade and Undercroft'. He was not present at the time this item was considered by the Panel. The Chairman stated that each Panel member had a copy of the statement and would note it in relation to this item. A copy of the statement can be found on the Panel's Minute Book.

7 MINUTES - 18TH MARCH 2013

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

8 MEMBER TRAINING

Vernon Hitchman, Divisional Director of Legal and Democratic Services introduced the report.

The Chairman informed the Panel that Councillor Martin Veal had been invited and was present to give his views as Member Champion for Member Development.

The Panel raised the following points and asked the following questions:

Councillor Veal (Member Development Champion) stated that he felt that it should be 'development' rather than training. He stated that there is a budget for this and a requirement for member development in Councils to assure informed debate and decision making. He stated that member development could be 'sold' to members more through group leaders and political research assistants. He stated that he became a Councillor 18 years ago as a result of a by-election and had no training but that the process is much improved now.

Councillor Gerrish stated that new Councillors need training and existing Councillors need development as there are always changes in processes. He added that a benefit of training sessions is getting to know which officers to deal with on specific matters. He explained that Cabinet member briefing sessions often had disappointingly low turnout. He stated that there had been some good training sessions recently.

Councillor Roberts explained that some Councillors are in full time employment and he, for example, conducts some courses such as equalities awareness with his employer (NHS) so would not need to complete them again as a Councillor. He further explained that he often had meetings most evenings in the week for the Council so would not want to attend unnecessary or repeat training or briefing sessions. He stated that there is not enough use of e-learning in the Council and also presentations from officers can be emailed around to Councillors that cannot attend (including an officer name and contact point if needed).

Councillor Macrae agreed that there should be more e-learning and also suggested that along with training for new Councillors, there should be an informal briefing about the Panel/Committee that the Councillor sits on. He also stated that there are some wider issues such as 'Core Strategy' that it would be useful to have a briefing on.

Councillor Symonds stated that he was surprised by the amount of training courses offered and that this was good. He suggested a talk to new members by an experienced Councillor.

Councillor Bull noted that most of the feedback on the training courses was positive.

Councillor Bellotti, Cabinet Member for Community Resources stated that he was keen to look at the Panel comments (set out below). He added that there are a range of external courses available for specific training that officers could circulate to members. He further commented that one of the main reasons that Councillors do not attend events is because of the time of day that they are held and it is important that trainers should consider holding multiple slots.

It was **RESOLVED** that the Panel ask the Cabinet to take the following comments on board and that the comments also be passed on to the Divisional Director for Legal and Democratic Services:

- There should be more involvement of political groups, group leaders and political research assistants in encouraging their Members to attend training;
- There should be more joint sessions held with west of England authorities;
- Members elected through by-elections should have the full induction programme;
- There should be more use of e-learning;
- There should be a four year programme of member development, and not just a programme related to the induction process.

9 UPDATE ON GRAND PARADE AND UNDERCROFT

Tom McBain, Divisional Director and Chief Property Officer gave a presentation to the Panel (a copy of the presentation is included on the minute book for the Panel and attached to these minutes). The presentation covered the following:

- Objectives
- Consultation
- Design – Access Options
- Design – Phasing
- Design – Visualisation
- Development Appraisal
- Timeline

The officer referred to a statement from Alex Schlesinger that the Panel had noted under item 6 that referred to a majority of respondents to a survey (Small Business Focus) felt that Bath could not support more cafes and restaurants. The officer stated that he acknowledged this point but that some soft research had shown that out of 24 restaurant chains approached, 18 showed expressions of interest which indicates that demand does exist.

The Panel raised the following points and asked the following questions:

Councillor Macrae made the following comments: that there was no car parking for weddings and events and no facilities for disabled people and the elderly; he was not convinced about the 18 restaurant chains, he asked about local and existing restaurants. He asked about safety barriers at the Colonnades. He asked that the market be kept at its present quality and not sell 'tat'. He also asked about social

housing and if this was included. He finally added that he was staggered at the timescales. The officer responded that all the issues raised would be taken into account with respect to the detailed design and that it was only at the concept stage now. He assured the Councillor that the spaces would be openly marketed which included local and existing businesses. He explained that he was looking at a 'Market Strategy' which would ensure the present high quality of the Guildhall market. He reported that there would only be 6/7 units of housing so that social housing requirement does not apply. He concluded that he realised that the timescale is challenging and that this was why the consultation was being started early.

Councillor Roberts congratulated the officers on the exciting proposals.

Councillor Gerrish stated that the hours of opening and delivery arrangements for any potential restaurants would be a planning condition due to the potential noise issue for residents of the Empire. He supported the running of the market in house in order to keep control. He commented that parking facilities for people with disabilities (for more than 3 hours) must be provided adjacent to the Guildhall. He stated that there would have to be more than 20 spaces for full Council meetings. He further added that not all local businesses welcomed the Christmas market. He agreed with Councillor Macrae that the timescale was optimistic.

Councillor Symonds stated that it was a great project. He referred to the anxieties of some of the Guildhall market traders and reminded the Panel and officers that it was a local needs shopping area and should be protected.

Councillor Bellotti – Cabinet Member for Community Resources responded that the Panel had raised some good points and that plans were at a concept stage at the moment and comments could be taken on. He explained that no decision had been made on who would manage the market in the future and there were examples elsewhere that worked with a market manager. He explained that some street stalls and maybe the Christmas market could be joined up. Regarding car parking spaces, he explained that the intention is to transfer existing capacity to Manvers Street where there would be extra parking for people with disabilities. He further explained that this project is about trying to restore a sense of history as well as economic development. He added that no Council administration has gone forward with plans in this area but any development would have to be in partnership with the private sector. He stated that there should be a mix of restaurants, not just high end. He concluded that there would be several phases in this project and the button had been pressed on phases 1 & 2 only. He assured the Panel that it could be delivered within the timescale.

Councillor Patrick Anketell-Jones (Lansdown Ward) stated that there would have to be screening to block the noise from the weir which is likely to be extensive and mean that the existing wall would have to be removed. He asked that a visual be provided at future presentations on the change to the view.

Councillor Roberts stated that he felt that there had been too much concentration on car parking.

The Panel **RESOLVED** to have an update on this item at their September meeting.

10 CITY DEAL

Andrew Pate, Strategic Director Resources, introduced the report and gave a presentation to the Panel on the following:

- West of England City Region Deal – Growth Incentive Summary
- Business Rates Pool
- Pool distribution
- Economic Development Fund
- £1bn Economic Development Fund
- EDF Governance

The Director explained that there would be a report to Council in July and that it would also be reported to each Unitary Authority and then to the LEP Board (Local Enterprise Partnership).

The Panel raised the following points and asked the following questions:

Councillor Bull asked if all the projects had to be in the five enterprise areas. Tim Richens, Divisional Director Finance and the Strategic Director explained that it was possible that projects could be outside the areas if they can help unlock economic growth across the west of England but they explained that most of the projects would be within the enterprise areas.

Councillor Macrae asked for reassurance that other areas would be considered. The Director stated that the enterprise areas are linked to the deal and that the Council needs to consider how it invests in economic development.

Councillor Gerrish thanked the officers for the presentation and mentioned that a site in need of investment that would unlock economic development and create jobs is the Cadburys site in Keynsham which is already in the planning process. The Director explained that this is an example of the pressure that the fund might be under and that the vast majority of the fund will go into the project areas. He explained that while there may be some exceptions, the money would not be available for a project at this time as the fund needs to become established and the Authority would have to borrow in the mean time.

Councillor Myers asked if money would be available for schemes outside the area and the Director stated that there may be some money for schemes outside the areas and referred to his explanation earlier.

Councillor Roberts stated that the City Deal should be seen alongside other things such as the Core Strategy. He stated that this scheme offers an opportunity to get extra money into the area that we would not have had otherwise but the difficulty is that the designated area is the city of Bath. He added that there was a need to look at the level of commuting out of Midsomer Norton and other areas.

There was some discussion around the Core Strategy in relation to the City Deal. Councillor Bull stated that this report is concerned with the funding stream

mechanism and does not affect the existing decision on the Core Strategy. The Director agreed and concluded that the City Deal does not affect the Core Strategy except that it would help to deliver it.

The Panel **RESOLVED** to note the report.

11 **RESPONSE TO PDS RECOMMENDATIONS - COMMUNITY ASSET TRANSFER REVIEW**

The Chairman explained the background to this item in that there had been a task and finish group which had done some work around Community Asset Transfer and had sent it's recommendations to the Cabinet member. He explained that the Cabinet member would now give his response to these recommendations.

Councillor Bellotti addressed each recommendation in the report as shown below:

Recommendation 1 – Accepted

Recommendation 2 – Accepted (he noted that so far everyone he has spoken to asked for as long a lease as possible but acknowledged the need for a short lease option)

Recommendation 3 – Accept (he stated that there were too many meetings already and that in principle, this should be property led)

Recommendation 4 – Defer (he stated that he did not think the Panel was the right place to bring individual cases so wanted to amend the wording)

Recommendation 5 – Accept (he stated that the development of best practice was key to this). Regarding the 'Financial Assessment', he reported that this would be considered in the context of the 2014/15 budget.

He thanked the Panel for the report and stated that the Cabinet were 100% signed up to this Community Asset Transfer.

Councillor Bull thanked the Cabinet Member for supporting the recommendations.

There was some discussion around the wording in the report:

Councillor Myers stated that, regarding recommendation 5 – this was not meant to read as officer time, there is a self help group waiting to do this work. He stated that with regard to recommendation 4 – he agreed the Panel did not need to see individual cases.

The Chairman summarised that the following had been jointly agreed with the Panel and Cabinet Member and the Cabinet will take this on board.

The Panel **RESOLVED** that:

- On Recommendation 4, Tom McBain, Divisional Director and Chief Property Officer would be the reference point; and

- On Recommendation 5, this would be provided by a self help group; and
- The Panel will receive annual updates on Community Asset Transfers based on the Resources element.

12 CABINET MEMBER UPDATE

Councillor Bellotti, Cabinet Member for Community Resources, updated the Panel on the following:

- He explained that there would be a report on 'Financial Outcome 2012-13' at full Council, he reported that there would be no bad news in this report.
- He explained that he has a monthly meeting with Ian Savigar, Divisional Director, Customer Services (Council Connect, Revenues and Benefits) and could report that unemployment is going down; there were fewer claimants for job seekers allowance; on the under occupancy issue 90% of people decided to stay where they are and one quarter of the remaining 10% have already moved and there has been an increase in Council Tax collection. He further reported that there had been 48 discretionary housing payments in the first month; the number of summons are within 10% of last year. He further reported that 60% of claimants can go online and of the 40% remaining half will be able to learn and 20% will need ongoing help. He stated that there was a plan to develop beyond the one stop shops into libraries and that these facilities would be targeted in areas with the highest number of claimants.
- The 'Think Local' procurement plan is challenging but there will be benefits for local traders. He encouraged members to send him any examples of where this policy is not working.
- Regarding Asset Transfer, he referred to some potential examples.
- Regarding Keynsham Workplaces Project he explained that the plan was to keep as many employees in the Guildhall as possible. He further reported that the development is on time and a main anchor tenant has now been secured.
- Regarding the Capital Programme he referred to a range of schemes that are being delivered across the Council.

The Pan raised the following points and asked the following questions:

Councillor Macrae welcomed the Cabinet Member explaining the above points. He asked if there is an indication on the current uptake on the new electronic car parking receipts. Councillor Bellotti said that he would find out.

Councillor Barrett asked about resuming his role as procurement champion, he was advised to refer to his group leader.

Councillor Myers stated that the computer in the library in Midsomer Norton kept going down so people had to travel to Bath to make their claim. Councillor Bellotti stated that this would be put right.

The Chair thanked the Cabinet Member for his update.

13 PANEL FUTURE WORKPLAN

Councillor Myers asked to add an item on 'Allocation of Funds for Regeneration across BANES', which explores how the policy is determined and what is available as he felt that there are areas where resources are not going. The Strategic Director, Resources advised that this would sit within the Economic and Community Development Panel and that it is possible that any Resources Panel member can attend the meeting. It was resolved that the Chairman John Bull would speak to the Chairman of the ECD Panel, Councillor Robin Moss.

Changes to the Future Workplan:

'Corporate Complaints Policy and Procedures' to move to the July meeting.

'Grand Parade and Undercroft Update' to be reported to the September meeting.

Annual report on 'Community Asset Transfer' (report update based on the Resources element)

The meeting ended at 8:40pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Resources Policy Development & Scrutiny Panel
MEETING DATE:	15 July 2013
TITLE:	Corporate Complaints Policy & Procedure
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Annual Complaints Report 2012/13</p> <p>Appendix 2 – Draft new Customer Feedback Policy</p> <p>Appendix 3 - Local Government Ombudsman guidance on running a complaints system</p>	

1 THE ISSUE

1.1 This paper updates the Panel on the latest annual complaints report 2012/13 and future plans for implementing a revised Customer Feedback policy and procedures, due to be launched later this year.

2 RECOMMENDATION

The Panel is recommended to:

- 2.1 Review and discuss the 2012/13 Annual Complaints report (appendix 1)
- 2.2 Receive an update on progress with implementing a revised Corporate Feedback Policy and Procedures (appendix 2)
- 2.3 With reference to Local Government Ombudsman guidance (appendix 3), consider they are satisfied with the approach the Council is taking.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this update report.
- 3.2 Costs associated with the introduction of new Customer Feedback Policy and systems are funded within the agreed annual Service & Resources Plan for the Customer Services division, which is leading the Corporate Customer Service Excellence programme.

4 THE REPORT

Annual Report for the analysis of close complaints

- 4.1 Bath & North East Somerset Council closely monitors the compliments, comments and complaints that we receive from our customers, so we can use the information to improve the services that we provide. This process is managed through the Council's Complaints Procedure (available on the Council's website at www.bathnes.gov.uk in the 'Your Council & Democracy' section and from any Council office).
- 4.2 Customer Services is responsible for managing the corporate complaints process and compiles an annual report to highlight the Council's performance in handling corporate complaints and the key actions or service improvements that have resulted from reviewing them
- 4.3 The latest report for the 2012/13 is provided at appendix 1.

New Customer Feedback Policy & Procedures

- 4.4 Customer Services are running a project as part of the corporate customer service redesign workstream, to implement a new Customer Relationship Management (CRM) system called Northgate Front Office Enterprise.
- 4.5 A revised Customer Feedback (and Complaints) process will be one of the first business processes to go live on the CRM system, launching autumn 2013. A new Customer Feedback Policy has been written in consultation with existing Complaints officers and agreed by Divisional Directors. The policy is now called a Customer Feedback Policy, to encompass all aspects of feedback including compliments and comments as well as complaints.
- 4.6 A draft Corporate Customer Feedback Policy document (appendix 2) describes how the Council expects to manage and respond to customer feedback, whether suggestions, compliments, or complaints. It is designed to reflect best practice both for the customer and the Council.
- 4.7 The new policy is designed to adhere to the Customer Services target operating model to deliver 6x core corporate processes to manage customer contacts (of which 'Feedback' is one).
- 4.8 The Service Redesign Programme, supported by the new CRM system, other technology and associated procedures, will embed 4x Customer Services Design Principles across the organisation:
 - Put the Customer First
 - Easy Access to Services – Right Time, Right Place
 - Do it Once, Do it Right
 - Ensure Efficiency and Effectiveness

4.9 The project supports:

- a) the emerging Corporate aim to become an excellent Council, to refresh and reframe around the 'One Council' approach, and to treat all Customer comments as a valuable contribution towards service delivery improvements – to put the customer at the heart of what we do.
- b) our Corporate Vision which describes the kind of organisation we want to be, including that we will be 'a listening Council' and 'put people and communities at the heart of everything we do'. The Vision is underpinned by our Values that say we are 'an open and engaging council' and 'an organisation that encourages continuous learning and improvement'.

4.10 The significant change to the new Policy is a more distinct two stage approach with a third level of escalation to the Local Government Ombudsman (LGO) that incorporates and reflects best local government practice:

- Stage One review and response to the complaint by the relevant council service team. Stage One involves the service themselves investigating the complaint, whether informally or more formally through an investigation. Our policy is to have our Services always respond to customer complaints directly and have the opportunity to explain or put things right if there has been a mistake. We aim to resolve matters with a single and accurate response but, if this is not possible or if there is dissatisfaction, we encourage continued dialogue and feedback between customer and Service until the issue is satisfactorily closed.
- Stage Two investigation by the Council. This stage provides the opportunity of another Service investigating the complaint by undertaking an independent review. However, before a Stage Two review is agreed, a Corporate Customer Services Review Officer will review the Stage One investigation to consider whether all matters raised in the original complaint have been comprehensively and accurately addressed, and if not, may refer it back to the Service to ensure this now happens.
- Customer referral for a Local Government Ombudsman independent review

4.11 Customer Services is engaging with designated Customer Feedback Officers in all Service areas to develop understanding and awareness of the change in Policy and the revised operating procedures of the CRM system. Information and briefing sessions with appropriate Service Officers are planned for September, in readiness for the system going live during the Autumn. The aim is to ensure that each Service area has a primary point of contact who will:

- understand the new Policy and Procedures and be able to apply them to the types of customer feedback received by their Service area
- be responsible for championing the new approach and channelling customer feedback to appropriate service colleagues who can deal with the subject matter
- ensure that appropriate and agreed responses are drafted and issued to customers, including sign-off by appropriate managers as necessary

- Undertake stage 1 reviews when required

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 An Equalities Impact Assessment has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 *Cabinet Member; Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents;*

7.2 It is stated in our existing Complaints policy that the Council welcomes any feedback on the use of the policy. Customer Services team knowledge and experience of dealing with complaints led to a consultation on improvements with complaints officers. Improvements were ratified with Divisional Directors.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Human Rights; Corporate; Other Legal Considerations*

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	David Langman, 01225 477013
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Annual Complaints Report 2012 / 13

Annual Report for the analysis of closed Complaints

Period: April 1st 2012 to March 31st 2013

Introduction

Bath & North East Somerset Council closely monitors the compliments, comments and complaints that we receive from our customers, so we can use the information to improve the services that we provide. This process is managed through the Council's Complaints Procedure (available on the Council's website at www.bathnes.gov.uk in the 'Your Council & Democracy' section and from any Council office).

The purpose of this annual report is to highlight the Council's performance in handling corporate complaints and the key actions or service improvements that have resulted from reviewing them.

Bath & North East Somerset Council delivers a wide range of services to customers, some of which are highlighted below. The figures shown also provide an insight into the high level of activity undertaken by the Council and should be considered when viewing the complaint figures contained within this report.

- The Council Connect Contact Centre received 117,944 calls and 17,023 emails requesting services and information during the year.
- One Stop Shops in Bath, Keynsham and Midsomer Norton were visited by 99,513 customers.
- Individual household waste collections exceeded 3.9 million a year.
- 2,359 Planning applications were processed.
- We maintained 15,200 streetlights and 2,400 illuminated street signs.
- We continued to maintain 1,100km of highway, 1,900km of footpaths, 300 bridges, 37km of cycleways, and 79 zebra / pelican crossings.
- We had over 1.27m day visitors to our heritage facilities; 13,936 study facilities users; 65,945 external corporate hospitality guests.

We will continue to focus on how well we respond to the issues our customers are raising by regularly reviewing the complaints we receive and providing feedback through our interim quarterly reports.

We will continue to encourage staff to record customer complaints as it helps us identify potential service issues and is a valuable source of communication, enabling us to clarify the information that our customers need about our services. In the same way we are pleased to receive compliments about the service we provide as they enable us to ensure we are meeting customer expectations.

During the year a number of changes and improvements have been made as a result of complaints we've received. Highlights of these improvements are provided in the next section.

Service improvements introduced as a result of complaints received

All council service areas are invited to provide feedback on the complaints they receive during each quarter. This enables us to highlight any service improvements made as a result of complaints received. A high level summary of these is shown below:

Service Delivery

Customer Services (Council Connect and Revenues & Benefits)

- Process by which residents inform the Council of a change of address is being reviewed by the Revenues team. Process to ensure information is shared with all relevant Council departments and service packaging opportunities maximised.

Environmental Services (Waste Services)

- The introduction of a new residents permit scheme for the Recycling Centres led to an increase in complaints received during quarter 4. Improvements were made to the online permit application as a direct result of this feedback from users. The application process is now running smoothly.

Housing

- The Homesearch policy has recently undergone review and will be implemented shortly.

Tourism Leisure & Culture (Library Services)

- Temporary walls have been erected in Bath Central Library in order to reduce noise disruption experienced by customers using the quiet study area.

Complaints regarding members of staff

Where complaints have been made concerning a member of staff, and upheld, apologies have been made and other appropriate action has been taken.

Children's Services (Learning & Inclusion)

- A complaint about a member of staff blocking a visitor in at a Children's Centre car park led to the implementation of the following procedure:
All people parking in the car park must sign in a visitor's book leaving the registration number of their car. When the car park is busy; staff and visitors to be redirected to the local public car parks to avoid double parking and incidents in the car park. Consideration was also being given to installing a new barrier in order to help manage the number of cars in the car park.

Customer Services (Council Connect and Revenues & Benefits)

- Contact Centre staff reminded of the need to explain to customers why they require certain information from them; in order to avoid the customer feeling like they are being quizzed and asked for irrelevant information.
- Members of front line staff reminded of the manner with which they should conduct themselves around customers.
- All Benefits staff reminded of the need to be thorough when checking information related to a claim for Housing Benefit or Council Tax Support. Staff to receive further systems training to support this.
- All staff reminded of the eligibility criteria for concessionary travel passes and where to find the information if unsure.

Communication with customers

Customer Services (Council Connect and Revenues & Benefits)

- All Revenues staff requested to ensure that their name and timescales for the return of documents are added to all outgoing correspondence.

Planning

- As a result of complaints received when Committee notifications were not received in good time; Planning Services have adopted a policy to send notifications by email where possible, and use First Class post where no email address is available.

Finance

- Feedback received about the new online payments system will be considered when carrying out future development. Changes to information around paying penalty charge notices have already been made as a result of feedback from users.

Actions taken this year to improve our performance in the handling of complaints

- On-going monitoring of complaints and timescales.
- Review of complaints & feedback processes and policy

Future objectives to improve our complaints & feedback process

We are committed to reviewing the effectiveness of the complaints & feedback process and the system used to record complaints, to help us improve the service to our customers. Here are some of our objectives for the year 2013/2014:

- Introduce new customer feedback policy, procedure and Customer Relationship Management (CRM) system to improve efficiency and effectiveness of this important customer feedback process.
- Promote and publicise the new Corporate Feedback policy and procedure both internally and externally, including training and awareness for key Customer Feedback Officers based in all our Services.
- Restructure and amend the existing complaints web pages to be more user friendly, and reflect the Council's new approach to feedback.

Reporting structure

This report has been produced using recorded data on complaints that have been closed during the period of April 1st 2012 to 31st March 2013.

An issue has been recorded as a complaint where the customer has registered dissatisfaction with our service. In some instances these issues have subsequently been identified as falling outside the complaint process (as they may have been subject to different legislation and or statutory requirements). However, for the purposes of this report, they have been included to take into account the initial customer contact

Complaint figures for this annual report have been provided from complaint information which has been recorded in our corporate complaints recording system.

Exclusions

Some service areas already have mandatory or legislative routes for formal complaints. These complaints are therefore excluded from the corporate process and information on them is available from the service directly. The main areas excluded are complaints relating to:

- Adult Social Services
- Children's Services
- Councillors
- Individual Schools
- Matters over which the Council has no legal authority or powers of action.

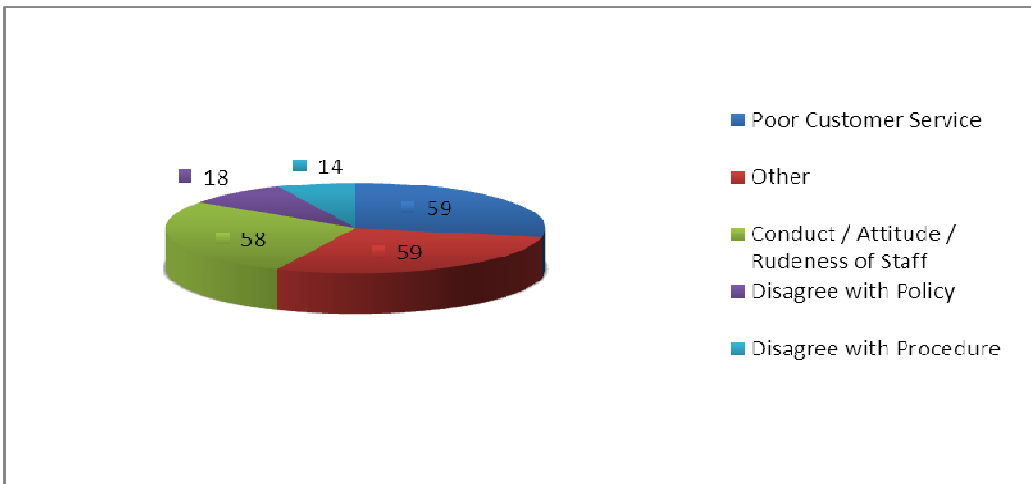
Further examples of other commonly raised issues that are not covered by the Corporate Complaint Process and information can be found within the full Complaints Procedure on our website (at www.bathnes.gov.uk in the 'Your Council and Democracy' section) or from any Council office.

Complaint statistics for the year

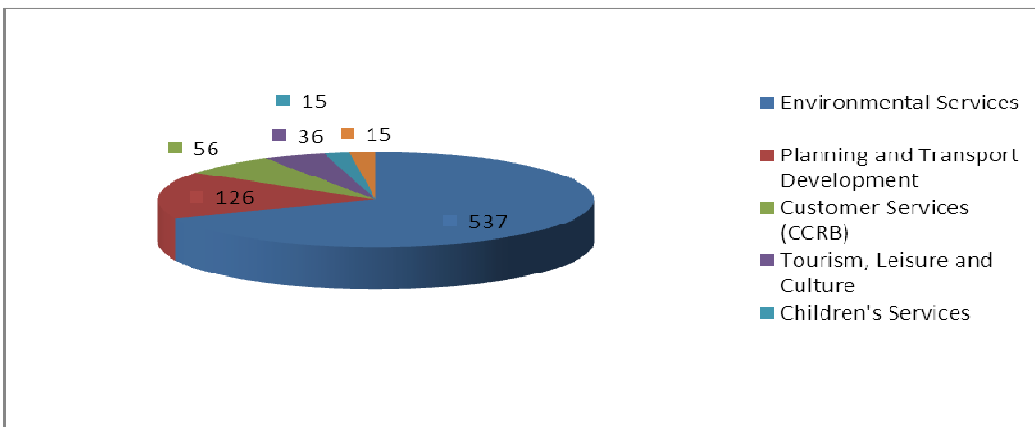
The Council's SAP CRM system recorded the following key figures:

- Total number of complaints received between April 1st 2012 and March 31st 2013 was 821. (Compared to 748 between April 1st 2011 and March 31st 2012.)
- 272 (33%) of the complaints received were either upheld or partially upheld.
- 88 (11%) complaints were recorded as completed outside of the Council's agreed timescale. Work will continue to ensure we improve the percentage of complaints completed within our agreed corporate timescales.
- 57 (7%) complaints reached Formal Stage 1 of the complaint process (involving a full investigation of the complaint by the service area concerned).
- A further 5 (less than 1%) complaints reached Formal Stage 2. Formal Stage 2 involves a Senior Officer from outside the service area concerned carrying out a review of how the initial complaint was handled (not on the decision reached). A report is produced and the customer informed.

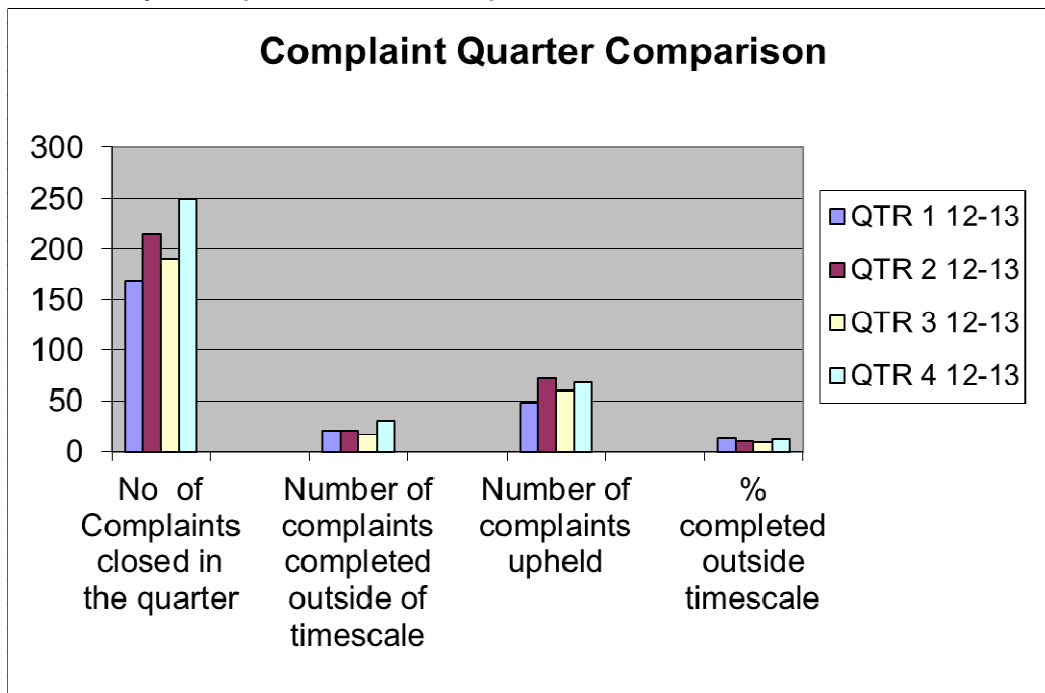
Top 5 reasons for corporate complaints



Top 6 services for complaints received



Quarterly comparison of complaints closed



Annual Summary of Closed Complaints

Service Area	Complaints Closed	Complaints outside corporate timescale	Formal Stage 1	Formal Stage 2	Not Upheld	Partially Upheld	Upheld
Adult Care and Health	1				1		
Housing	15	3	1		11	2	2
Safeguarding, Social Care & Family Service	7	4			3	3	1
Health, Commissioning & Strategic Planning	2				1		1
Learning & Inclusion	6	1			5		1
Customer Services (CCRB)	56	7	3	1	31	7	18
Council Solicitor	9	2			7		2
Development and Major Projects	8	3			5		3
Environmental Services	537	48	2	1	342		195
Finance	8	1			6	2	
Improvement & Performance	2	1			1		1
Planning and Transport Development	126	10	51	2	104	5	17
Policy and Partnerships	2	1			2		
Property Services	5	2			4	1	
Tourism Leisure and Culture	36	4		1	25	4	7
Audit Risk and Information	1	1			1		
Totals	821	88	57	5	549	24	248

Complaints referred to the Local Government Ombudsman (LGO)

At the time of compiling this report there are no LGO statistics yet available for the year 2012/13. The LGO are not issuing the usual annual letter with statistics as during the year they changed their way of dealing with complaints and they have advised any new statistics will not be comparable. During July 2013 they expect to issue a letter including new information about complaints.

The last available statistics available are therefore for the year 2011/12:

- 38 complaints and enquiries were received by the LGO, 10 of which were classed as premature (meaning that they had not gone through the Council's complaint process first) and in 10 cases, advice was given.
- The average number of days to respond to first enquiries was 24 days, compared to 25.6 days in the previous year.

Ombudsman decisions made during period

Again, these figures date from 2011/12 as no newer data is available:

A total of 19 decisions were made: 1 Local Settlement, 9 No Maladministration, 5 Ombudsman's Discretion and 4 Outside Jurisdiction.

Please note it is not possible to make a direct comparison between the numbers of complaints received in the period to the decisions made, as decision outcomes may relate to complaints received in the previous year.

Additional information about the complaints process

A range of information about complaints is available on our website (at www.bathnes.gov.uk in the 'Your Council and Democracy' section) or from any Council Office.

This includes:

- The full Corporate Complaints Procedure.
- 'Make a Complaint' and other relevant 'Report it' forms.
- The Council's "Speak Out" leaflet and complaints form.
- Quarterly complaints reports.

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Customer Feedback Policy

DRAFT

Prepared by: David Langman

Version date: 13th June 2013

DRAFT

Customer Feedback Policy

Introduction

This Corporate Customer Feedback Policy document describes how the Council expects to manage and respond to customer feedback, whether suggestions, compliments, or complaints. It is designed to reflect best practice both for the customer and the Council.

The Policy – purpose and definition

The main purpose of the customer feedback policy is to enable any matters raised by customers to be received and resolved at the initial point of contact.

Customer feedback may include:

- general feedback and suggestions for improvement
- reports about service failure
- compliments about good service
- complaints

Customer feedback will be actively encouraged, tracked, monitored and used positively to make service improvements where appropriate. For example, early diagnosis of a customer's issue within a new business process or a number of repeat requests may well decrease the number of formal complaints if improvements are made and issues resolved at the first point of contact.

Complaints can be the most contentious customer feedback to handle so the policy concentrates on how these should be treated.

This policy will:

- Clarify how you may make a complaint
- Highlight any exceptions to the standard complaints procedure
- Define the standard of service you can expect when you make a complaint
- Recognise the importance of complaints in providing feedback about Council services and performance
- Set out how the Council will monitor complaints, and use that information to improve services and identify training needs

For the purposes of this policy, a complaint is defined as:

“an expression of dissatisfaction with the standard of service provided by the Council, or with something the Council or a member of its workforce may or may not have done”

This definition is in line with those of the Local Government Ombudsman and the British Standards Institute.

In simple terms a complaint may be about lack of response, delays, ongoing service problems and/or the behavior of Council employees.

This includes the Council:

- Doing something wrong
- Doing something it should not have done
- Failing to do something it should have done
- Behaving unfairly, discourteously or in a discriminatory manner
- Not carrying out a service to an agreed standard
- Not responding to a request for a service within its stated timescale

Exclusions to this Policy

This definition does not include appeals against, or objections to, decisions of the Council which should generally be pursued by way of the appropriate statutory or other appeals procedure. In these cases, advice will be given on how an appeal may be made and about any timescales which apply.

Some complaints are dealt with under separate procedures, some of which are laid down by statute. Others are serious enough to require special consideration. Also, the Council receives complaints about matters over which it has no control. When your complaint is received you will be informed if it is to be handled under a different procedure or if it needs to be redirected to a different service or agency.

See Appendix 1 for guidance on how to make other complaints not dealt with by the Council's main customer feedback process.

Please note: A complainant cannot demand that this procedure is used. The discretion about how to deal with a complaint lies with the Council. In certain circumstances the Council may decide that alternative means of dealing with complaints would be more appropriate and this will include the consideration of offering or agreeing to mediation. The Corporate Customer Services Review Officer (responsible for the Corporate Feedback Policy) , will decide this in consultation with the relevant Divisional Director. In such cases the complainant will be informed of the alternative approach and why the Council has chosen to adopt it.

Our Standards - What to expect

How we Review and Respond to Complaints

The Council has a distinct two stage approach with a third level of escalation to the Local Government Ombudsman (LGO) that incorporates and reflects best local government practice:

- Stage One review and response to the complaint by the relevant council service team
- Stage Two investigation by the Council
- Local Government Ombudsman independent review

Stage One

Whenever we receive a complaint, we will initially ensure that it is directed to the appropriate service team that is responsible for the issues raised. Stage One involves the service themselves investigating the complaint, whether informally or more formally through an investigation. Our policy is to have our Services always respond to customer complaints directly and have the opportunity to explain or put things right if there has been a mistake. We aim to resolve matters with a single and accurate response but, if this is not possible or if you are dissatisfied, we encourage continued dialogue and feedback between customer and Service until the issue is satisfactorily closed.

If you are not satisfied with the outcome of the Stage One process you may request a Stage Two review.

Stage Two

Stage Two provides the opportunity of another Service investigating the complaint by undertaking an independent review. However, before a Stage Two review is agreed, a Corporate Customer Services Review Officer will review the Stage One investigation to consider whether all matters raised in the original complaint have been comprehensively and accurately addressed, and if not, may refer it back to the Service to ensure this now happens. After consultation, both with the complainant and the service concerned, the Customer Services Review Officer will determine:

- if the complaint can be resolved by further Stage 1 consideration by the Service, or;
- if a Stage 2 investigation is appropriate, or;
- whether the complainant would be better served by referring their complaint direct to the Local Government Ombudsman (LGO), for example if the Service has fully sought to resolve the issue and a Stage Two review is unlikely to change the position, such that effectively the Council complaints process has been fully exhausted and any further review by the Council would cause unnecessary delay.

Key to this decision being made will be dialogue with the customer to understand the outcome that the complainant seeks and the best way that can be achieved, if at all possible.

Local Government Ombudsman

The Local Government Ombudsman (LGO) looks at complaints about Councils. It is a free service. Their job is to investigate complaints in a fair and independent way - they do not take sides.

If you have a problem with a Council service, you should first complain to the Council itself so that we have a chance to sort out the problem before the LGO can consider it. You will usually need to complete both Council complaint stages before the LGO will look at your complaint.

If your case is accepted by the LGO it will be allocated to one of their investigators for them to consider an independent review.

For LGO advice:

- Telephone: 0300 061 0614
- Website: www.lgo.org.uk
- Email: advice@lgo.org.uk
- Fax: 024 7682 0001
- Text: 'call back' to 0762 480 4299
- Write to: Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

Classification of Customer Complaints

We classify all the complaints we receive and all the outcomes we achieve to one of the following categories and use these to monitor and report on our performance, in order to understand and seek improvements to our services:

6x Customer Complaint Categories

1. Discrimination or Harassment
2. Conduct / Attitude of Staff
3. Disagree with Policy or Procedure
4. Policy or Procedure not followed
5. Dissatisfied with the level of service provided
6. Inaccurate, misleading or insufficient information

4x Outcome Resolutions

Our policy in replying to complaints is to resolve them to one the following four outcomes and advise the customer accordingly:

Outcome category	Final Communication with customer will:
1. Complaint upheld	Give an apology
2. Complaint not upheld	Give an explanation about why the Council operates/performs as it does
3. Complaint partially upheld	Give an apology where due and explain any other aspects about why the Council operates/performs as it does
4. Complaint outside of Customer Feedback process	Give advice on how the Customer may more appropriately pursue the issue – see Appendix 1

Our Response Standards

- We aim to deal with complaints quickly, effectively and in a fair and honest way
- Each complaint will be recorded on receipt
- Each complaint will be acknowledged in an appropriate format (email, phone or letter) and language; within 5 working days of receipt
- Response standards will be set and customers will be told what they can expect to happen and when

What you can expect of us:

Stage One:

A full response will be provided within 15 working days from receipt of the complaint or any feedback including compliments and suggestions.

Stage Two:

We will review and respond to a request for a stage Two Review within 10 working days of receipt.

If we agree to a Stage Two review, the review will be undertaken and a full response provided within 30 working days of it being initiated.

Customers will be kept informed of progress in dealing with their complaints and, if they cannot be resolved within the agreed time scales, we will inform you of the reason for delay and give you a target date for our final response.

Customers will be told at the end of each stage how they may pursue their complaint further if they should be dissatisfied with our response.

And what we expect of you:

When we write to you in response to your complaint we will explain what you can do if you are still dissatisfied and the timeframe you need to act in.

We have set timescales to keep your complaint open or otherwise close it on our systems.

Stage One:

When we write to you with our response to your complaint, we will give you the option to come back to us if you think we have not fully resolved your issue. If we haven't heard from you again after 20 working days from the date of our reply we will assume the issue is resolved to your satisfaction and we will close your complaint on our system.

Requesting a Stage Two Review:

If you continue to be dissatisfied with the response from the service at Stage 1, you need to tell us the reasons why, preferably in writing, so that we can properly consider whether escalation to a Stage 2 Review is appropriate.

How we measure response times:

For clarification on how we measure our response times, we consider that:

- For customer communications received by the Council, the day of receipt by the Council is day 0 and the next whole working day is day 1.

- When the Council replies to customers, the date of the communication is day 0 and the next whole working day is day 1.

How to contact us to give Feedback

Who can make a Complaint, Suggestion or Compliment?

Any member of the public or their representative, businesses, public and voluntary bodies may give us feedback and make a complaint, comment or compliment.

Steps to making a complaint

If you can, speak to the member of staff involved directly, or their manager, giving the opportunity for the complaint to be resolved straight away.

If you do not know who to speak to, contact Council Connect on 01225 394041.

Any complaint can also be made or handed in to any of the Council's employees or Councillors and at any of the Council's offices.

You can contact us:

- online via our website: <http://www.bathnes.gov.uk/feedback>
- in person at Council Connect offices in Bath, Keynsham & Midsomer Norton
- by phone (01225 394041)
- by e-mail: councilconnect@bathnes.gov.uk
- by post: Council Connect, Lewis House, 3-4 Manvers Street, Bath, BA1 1QJ

We will request the following information:

- Your name and where and how you can be contacted. You do not have to provide this in order to submit a complaint; however we may not be able to investigate your complaint fully if you do not provide your name and a contact email address or telephone number.
- If you need any assistance in making the complaint, see below 'Assistance in making complaints'.
- The details of your complaint.
- What you want the Council to do about it.
- It would be very helpful to also receive information about you to monitor the Council's equalities policies, including gender, age, ethnic origin and disability status. This information is optional.

Steps to make a compliment or suggestion

Comments on methods of improving service delivery or compliments regarding the quality of service provided are always welcome. Please feel free to share your views with our staff/managers in person, by phone, by completing a 'Compliments/ suggestion' form. You may also complete the online 'Feedback' form if you prefer:

<http://www.bathnes.gov.uk/feedback>

Compliments and suggestions will be recorded and fed back to the relevant service/staff.

Assistance in giving feedback

If you need assistance in giving any form of feedback whether it be a complaint, compliment or suggestion, the Council will provide this as promptly as possible. Some assistance, such as translation services, can involve a delay. You will be told when the assistance can be provided and kept informed of what is happening. Officers dealing with a complaint will ensure that any required assistance is made available and is planned for throughout the procedure.

Who will respond to your feedback?

Our roles & responsibilities

Services

Each council service has a nominated *Customer Feedback Officer* (CFO) who is responsible for:

- Ensuring that all customer feedback and complaints received directly by the service are logged using the Council's Customer Relationship Management (CRM) system
- Liaison with appropriate service colleagues and managers to ensure an appropriate review of the complaint is made and responses are properly considered
- Tracking progress at each stage
- Informing customers of any delays to making a response, and the reasons why
- Ensuring responses are issued within timescales,
- Recording outcomes.

In addition, Service based Customer Feedback Officers may sometimes be called upon to undertake independent Stage Two Reviews of complaints about another Service area.

Corporate Customer Services Team

Our *Customer Services Advisors* will usually be the first point of contact for customers; either in person at our One Stop Shops, or on the phone to our Contact Centre. They will:

- Ensure that all relevant details about a customer and their feedback or complaint are captured on the council's CRM system
- Liaise with Customer Feedback Officers in Services to ensure that complaints are routed to the right teams for review and reply

Review Officers based in Customer Services are responsible for:

- Ensuring customer feedback is correctly directed to the appropriate CFO in a service area for response
- Considering requests for Stage Two Reviews
- Allocating or undertaking Stage Two Reviews
- Liaison with the Local Government Ombudsman over any referrals or reviews
- Giving guidance on the investigation of individual complaints, and ensuring cross-service complaints investigations are being co-ordinated by one of the Services involved.
- Undertaking random customer satisfaction surveys, by all access channels, relating to the corporate customer feedback process.

Vexatious complaints

The Council's policy in respect of vexatious complaints is set out below.

What is a vexatious complaint?

Where complainants:

- Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.)
- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council, placing unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgment based on the specific circumstances of each individual case.
- Having been asked to identify outstanding areas of the complaint, repeat complaints that have already had a full response
- Automatically responds to any communication received from the council
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff will document all instances of harassment, abusive or verbally aggressive behavior.
- Have threatened or used physical violence towards staff at any time – this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented.
- Are known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved

Feedback on this Policy

The Council welcomes any feedback that you may have on the use of this policy. Please send your comments for the attention of the Customer Services Manager, Lewis House, 3-4 Manvers Street, Bath, BA1 1QJ or hand in to any of the Council's employees or Councillors at any of the Council's offices.

Appendix 1

Complaints not dealt with by the Council's main Customer Feedback Procedure

Examples of the most commonly raised matters that are not within the remit of the Council's Corporate Complaints Procedure:

Complaints dealt with under other procedures:

- **Complaints about Adult Social Care Services.** The main provider of adult social care services is Sirona Care and Health, a community interest company. Other independent organisations such as residential care homes, nursing homes and domiciliary care agencies also provide services on behalf of the Council. Complaints about services that are provided by one of these organisations should be directed to the service provider in the first instance. The Council deals with complaints about:
 - charges for services including the assessment of an individual's ability to pay for services.
 - safety and safeguarding
 - some aspects of mental health services.

The Council will respond to these complaints under a separate statutory procedure. The Council can also respond to complaints about the quality of services provided by independent organisations including Sirona Care and Health which are funded by the Council and where the service provider has not been able to resolve the complaint. The Council can be asked to consider a complaint earlier where someone is in a particularly vulnerable situation.

- **Complaints relating to Children's Services**, for which there are separate statutory complaints procedures and rights of appeal. Complaints about services for children and young people should be directed to the Complaints Procedure Manager, Children's Services, PO Box 3343, Bath BA1 2ZH. Tel: 01225 477931. Email: childrenservices_complaints@bathnes.gov.uk

The Complaints Procedure Manager will identify the appropriate procedure to be used to respond to the complaint.

- **Complaints about individual schools and academies** (including those about the National Curriculum). Each school operates under a system of local management and has its own Complaints Procedure. A copy of the Complaints Procedure should be made available by the school. Complaints are normally directed to the Head Teacher of the school or the Chair of Governors at the school address. Where the school is unable to satisfy the complaint the complaint should be referred to the Secretary of State for Education or Ofsted.
- **Complaints or Disagreements about Pension Benefits** (only for decisions made under Pension Regulations). These should be directed to either B&NES (HR), as your employer, or Avon Pension Fund, whoever made the initial decision where the disagreement occurs.

- **Complaints about parking tickets/penalty charge notices.** As the issue of a penalty charge notice is a legal matter, it has to be dealt with formally in writing. Write to Parking Services, PO Box 122, Bristol BS31 9AE. Parking@bathnes.gov.uk
- **Matters where there is a formal right of appeal external to the Council or other legal remedy** (such as with the refusal of planning permission or matters of contract). In these circumstances the complainant will be advised to follow the prescribed legal procedure and, where possible, how to do so.
- **Disagreements with properly made Council, Executive and Committee decisions,** including Council policies, budget decisions etc. The complainant will be advised to pursue these with their local Councillor, make representation to the relevant Executive Member or ask to speak at the relevant Committee, as appropriate.
- **Complaints about the conduct of Councillors or the way in which complaints about their conduct are investigated.** These fall within the remit of the Standards Committee of the Council. The Committee's web page contains details of the Code of Conduct and how complaints about possible breaches of the Code are dealt with. The web page may be accessed at <http://www.bathnes.gov.uk/services/your-council-and-democracy/complaints/complaints-about-councillors>



Guidance on running a complaints system

GUIDANCE ON GOOD PRACTICE

Contents

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Guidance on running a complaints system

Context

We last published guidance on running a complaints system in 2002. Since then, we have seen an improvement in councils' customer care services and complaints handling. Many have benefited from training provided by us and by others on complaints handling. This has informed the Commission's decision to introduce Council First. This means that from April 2009 the Local Government Ombudsman will consider complaints only after councils' procedures have been completed (subject to some exceptions). We believe, therefore, that it is time to review and update our guidance to reflect these developments. We also want to reflect changes in the law and the use of technology that have affected the way people approach their councils to seek services, and the way those services are provided.

There is now a lot of guidance available on complaints and how to deal with and learn from them, some of which we have had a hand in preparing. This guidance note is specifically aimed at councils and those charged with setting up or reviewing complaints systems within those councils.

Complaints systems differ according to the size and make-up of councils and the areas they serve. This note does not describe a single ideal complaints system. It offers guidance on what to consider in order to construct and maintain a system that best serves the needs of the council and its service users.

We do not consider that management of complaints is an uncomfortable addition to service provision but an integral part of that provision. Complaints systems are not mechanisms for apportioning blame but an important part of a council's learning and development. Complaints can be a rich source of information and learning about how a council's performance is perceived and how it can be improved. What we recommend is a clear, accessible and flexible process that forms part of service provision and does not overwhelm individuals, departments or other council processes. It is also helpful to record comments, concerns and compliments as a way of gathering performance information. Many service users want to make comments that they wish to be taken into account but that are not complaints.

Acknowledgements

We are grateful to the members of the Steering Group who have helped in the preparation of this document. Their experience as service providers and service users has been very valuable. They are:

Advice Services Alliance

[Val Reid](#)

Association of Council Secretaries and Solicitors

[David Carter](#)

Citizens' Advice

[Hayley Rowley](#)

Children's Society

[Chris Dade](#)

Department of Communities and Local Government

[Stephen McAllister](#)

Local Government Association

[Susan McGregor-Bevan](#)

Society of Local Authority

Chief Executives

[John Crawford](#)

The purpose of a complaints system is to put right what has gone wrong and to learn from it.

Principles for effective complaint handling

Accessibility
Communication
Timeliness
Fairness
Credibility
Accountability

Features of an effective complaints procedure

Accessibility

It is well publicised.

It is easily accessed and understood, by staff and by the public.

Communication

It includes early direct contact with the person making the complaint and continued contact through the complaints process.

There is effective communication between council staff and between the council and its partners regarding complaints.

There is effective communication where the complaint involves more than one body.

There is an effective recording and feedback loop so that improvements can be made.

Timeliness

It takes no longer than 12 weeks from receipt to resolution.

Fairness

It is clear about roles and responsibilities.

Complaints are dealt with in an open-minded and impartial way.

Responses are proportionate; one size does not fit all.

Credibility

It is managed by someone who can take an overview and can implement changes in the complaints system.

It includes a robust review by someone who has the independence and authority to ask questions, get at the facts and recommend changes in response to complaints.

There is effective leadership that ensures that the complaints system and learning from it has a high profile across the council.

Accountability

Information is provided in a clear and open way and is properly managed.

There is follow-up to ensure any decisions are properly and promptly implemented.

There is regular monitoring to ensure timescales and satisfaction levels are met.

There is periodic review of the process, to keep it up to date and keep the public informed.

What is a complaint?

1. There is sometimes confusion about what constitutes a complaint. When does a request for service or an objection to a decision or a policy become a complaint? Widely differing approaches to definitions can cause problems with record keeping and performance management.
2. We suggest that councils have a definition and that it includes the following: an expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.
3. When does a request for a service become a complaint? Some councils log notifications of single service failures, such as a missed refuse collection, as complaints whereas others log these as service requests. Collecting information about this kind of avoidable contact is a useful way of assessing service delivery. Whether the contact is logged as a service request or complaint, there should be clarity and consistency and some mechanism for ensuring that repetition of such failures can be identified, as they may indicate more systemic problems.
4. Sometimes service users make complaints that are disagreements with local or national policies. Councils need to decide how to deal with these. They can provide useful intelligence for the council. As far as the service user is concerned they are complaints and the service user will expect a response.
5. Some councils say that contact from a service user is a complaint if the service user says it is. While this is temptingly simple, care must be taken with a definition such as this as many service users may wish to make a complaint without actually using the word. It could also cause confusion if the service user says it is a complaint when in fact it is, for example, an objection to a planning application that has not yet been determined, or a comment in response to a consultation exercise. It is helpful if staff are encouraged to clarify with the service user whether or not they are seeking to make a complaint and what their expectations are.

Features of an effective complaints procedure

Accessibility

It is well publicised

- > Information on how to complain is available in a clear and understandable form to all.
 - > It is on relevant websites, preferably with a link from the home page and a contact email address for enquiries and complaints.
 - > A clear leaflet, written in plain English, is available through contact centres.
 - > Facilities are available for complaints to be made in different ways: by email, in writing, in person or by telephone.
 - > Advice about what to do about service failures is included in information for new residents (including migrants from other regions and countries).
 - > New staff are given information on the process.
 - > Existing staff are provided with periodic updates.
1. Many councils provide newspapers or magazines for their residents that include information or articles about feedback and complaints systems. This is an effective way of getting the message across.
 2. Many people approach the council with concerns or complaints that do not relate to council services. It is helpful if front line staff have access to sufficient information to point these people in the right direction.
 3. Complaints may be made anonymously but may raise issues of serious concern. Councils need to decide how to address these, as they may require some consideration.

It is easily accessed and understood, by staff and the public

4. Whether complaints systems are located within departments or centrally, the complainant should not have to struggle to identify which part of the council (or which contractor or partner) the complaint should be sent to. That should be clear in all publicity.
5. Staff need to be able to give clear and accurate advice about comments and complaints and to provide assistance for (or know where to direct) those who may struggle with accessing the procedure and making a complaint. This might include targeting information at identifiable groups, providing visual information for those with learning difficulties or literacy problems, making systems accessible to children and young people, and using advocacy services.

We have seen some very imaginative approaches to encouraging engagement in the process by children and young people and those with additional needs, such as those with learning difficulties or literacy problems. For example, one council produced an information card that is the size and shape of a bank card; others have produced information leaflets with clear visuals to help those who have difficulty with reading.

6. Councils must ensure that their procedures comply with statutory duties as set out in equalities and human rights legislation. This is not a question of meeting minimum requirements but of taking an imaginative and informed approach, with the help of user groups, to making systems more accessible.
7. Groups that underuse services can be identified and specific action plans developed.

For example, following a decision to encourage children and young people to make more use of our service, we met and took advice from stakeholders, targeted web pages, identified and trained staff, fast-tracked complaints and developed different ways of receiving and responding to complaints.

If staff are clear and confident about the process, people will use it.

8. There are also software packages available that assist communication with people who may have sight or hearing loss, or literacy or learning difficulties.
9. Staff also need to know where to refer complaints that are not within their scope. It is too much to expect all staff, particularly in larger councils, to know the limits and extent of responsibility of each department. Sometimes it is better to let the department deal with the complaint direct. However, front line staff should be able to take responsibility for finding out enough to be able to advise a service user about making a complaint, rather than simply leaving the service user to make contact with a different department or partner. Also, if the person complaining has more than one issue – for example, a request for service (“my rubbish hasn’t been collected”) and a complaint (“this happens every week”) staff should be able to separate out the different elements and direct them to the right people/departments.

We have come across instances where service users have asked council reception staff how to make a complaint and have been given a copy of the LGO’s leaflet rather than directed to the council’s own process.

10. Although we will not investigate most complaints until they have been through all of a council’s procedure, where an individual has determined that they wish to approach the Ombudsman then it is not for the council to prevent that. However, if staff are clear and confident about the council’s own process this can encourage service users to access that first.
11. Staff can also give information about our expectation that complaints go through all of the council’s procedure before coming to us. If it is clear to the council that there is nothing more to say on the complaint then this can be made clear to the person making the complaint, and the chief executive can ask us to consider it without it having been through all of the council’s procedure.

Communication

It includes early direct contact with the person making the complaint and continued contact through the complaints process

1. Direct contact with the person making the complaint can be seen as a time-consuming and dispensable part of the process. Our experience tells us that such contact is in fact very valuable to the council and to the complainant. It helps to clarify whether the issue is a complaint, what outcome the person is seeking and whether that outcome is achievable. It is a way of finding out whether the person needs assistance to pursue the complaint and to agree a way of dealing with and responding to the complaint. Contact should be in a way and at a level that suits the needs of the complainant.

For example, one council, with the help of an advocate, agreed a way of taking a complaint from a service user with autism that involved using large sheets of paper to draw a time line using pictures and symbols to show significant events. This could then be translated into a statement of complaint that the service user and the council could understand. The council was also aware of the disruptive effect on that person of having different people to deal with, and was able to keep the number of people involved directly with him to a minimum.

2. Early contact can also establish whether the matter might best be resolved through mediation or conciliation and whether the person making the complaint agrees. Staff will need to be clear about whether and how these services can be provided.
3. This does not mean that we advocate personal contact as a replacement for more formal written responses. Sometimes these have to follow so that the council can address all of the issues and the person making the complaint can give full consideration to the council's position.
4. Many councils have established single contact centres for all of their services. It is helpful if contact centre staff are trained to assist people who wish to make a complaint. This might seem a straightforward task, but if staff are trained to identify and help summarise complaints and discuss desired outcomes, it can reduce the time spent clarifying issues later in the process. It also avoids service users having to restate their complaint to different people.

Problems can be avoided if guidance for front line staff is clear.

There is effective communication between council staff and between the council and its partners regarding complaints

5. Our experience tells us that complaints that start badly often escalate, placing unnecessary demands on the council and the complainant. Also, it is not helpful if the person making the complaint has to deal with a number of different people. Councils should identify a single named contact for the complainant.

Communication between council staff

6. Where councils have established call centres there can be tensions between front line staff and departmental staff when complaints are made and there is a lack of clarity about who should be responding and how.

For example, a service user repeatedly called the council's contact centre with the same complaint. It was the relevant department's responsibility to respond directly to the complainant. Each time, details were taken and passed on and assurances given that it would be dealt with by the department. Contact centre staff were given no information about whether it was being dealt with, by whom and how, and so could do no more than 'lobby' the department to provide a response.

7. Problems can be avoided if guidance for front line staff is clear about what action they can take in situations such as this. We would recommend that councils provide a means for front line staff to raise such issues with managers so that they can be addressed with departments at management level.
8. It is also helpful if complaints about the same subject can be dealt with in a co-ordinated way to avoid situations such as the following.

A council changed one of its policies in relation to care leavers. Staff were informed by email and amended their practice accordingly. Care leavers had no prior warning of the change and complaints followed. There was no mechanism for putting these complaints together and looking at the circumstances surrounding the policy change and its effects.

Effective complaints systems do result in improvements to services.

9. Communication between departments can also cause difficulties. From a service user's point of view it is all one council. However, staff are often not in a position to give commitments or undertakings for their colleagues. They should have access to sufficient information to be able to help the service user to pursue their complaint with the relevant service.
10. Many councils have arrangements in place at management level to consider and resolve difficulties relating to blockages in complaints; for example by having protocols that provide for a nominated manager to ensure responses are provided.

Communication with partner organisations

11. Our special report *Local partnerships and citizen redress* provides detailed guidance on drawing up a complaints protocol with partners (see our website at www.lgo.org.uk/publications/special-reports/). The key recommendations are that:
 - > when the partnership is first created, there should be clarity regarding accountability for different parts of the work that will be carried out;
 - > there should be a clear statement as to who is responsible for handling complaints and providing redress;
 - > there needs to be effective communication with those who use the service, so that they understand what they need to do in the event of something going wrong; and
 - > there should be strong commitment to learning from complaints, so that services may be improved.
12. We have seen examples where partners have had different complaints procedures and timescales from those of the council. This often happens where housing provision is made through arms length management organisations (ALMOs). Particular care needs to be taken where there is more than one ALMO involved in providing a service within a single council's area. It is up to each

organisation to establish its procedure but it is important that those involved in the partnership are aware of any differences and can explain these to users.

There is effective communication where the complaint involves more than one body

13. Often service users focus upon the council and expect any complaints to be dealt with through its procedure. If the partner or contractor is fulfilling a statutory duty for a council then the council will be ultimately responsible for ensuring complaints are properly resolved. Hence the importance of clarity between partners on any differences between procedures that may exist.

14. Sometimes complaints are made that involve more than one body. Whether or not there is a formal partnership arrangement between the two bodies involved, the council should endeavour to have suitable arrangements for communication between the bodies concerned to ensure that the person making the complaint receives a proper response. This avoids the situation where the complainant is passed between organisations.

15. Where complaints are made that involve both the council and NHS bodies, we expect there to be effective arrangements in place for joined up processes and co-ordinated responses, in line with the relevant regulations.

There is an effective recording and feedback loop so that improvements can be made

16. Effective complaints systems do result in improvements to services. However, research carried out in 2008 by the National Audit Office into health and social care complaints found little evidence of systems being in place to ensure learning was properly disseminated. We often find that remedies are provided for the person making the complaint but there is insufficient consideration of the wider implications. Sometimes changes are implemented in a single part of the council but there is no system in place to ensure that learning is shared.

17. Some council staff who have attended our training courses have expressed frustration that they have not received feedback (whether good or bad) on complaints dealt with by their council that they have been involved in. It is very helpful for staff to be kept

informed of outcomes on complaints and any changes or learning that might result. This applies equally to complaints dealt with by councils and by the Ombudsman.

18. It is also helpful if the feedback loop incorporates information gathered from front line staff about complaints, questions and comments that they have received. If this is collated and reviewed on a regular basis it can be a valuable source of information about how users view service provision. It provides a mechanism for identifying emerging issues that might be addressed before they escalate into complaints.

Timeliness

It takes no longer than
12 weeks from receipt
to resolution

1. This is a maximum timescale within which we would expect complaints to be dealt with. It does not apply to complaints made under the *Listening, responding, improving* procedures for adult social care complaints. We expect these complaints to be dealt with in a timely manner and in line with the regulations but there is no set timescale. For these complaints, councils should have regard to the guidance set out in *Listening, responding, improving*.¹
2. We believe that two stages will normally be appropriate to deal with most complaints. Again this does not apply to the process provided for within the adult social care procedures. Our concern is not so much with the number of stages but with the timeliness with which complaints should be addressed. Any more complex arrangement is likely to impact adversely on a timely response. We consider that 12 weeks (from receipt of the complaint to final response) allows sufficient time for a council to deal with a complaint. We expect most complaints to be dealt with more quickly than this though there may be some very exceptional cases that require more time. This may be evident at the start of the complaint and, where possible, timescales should be agreed with the complainant. It is good practice to keep a complainant and others involved informed of progress.
3. Some complaints may need to be given priority so systems should allow for this; for example, where there is a clear, serious and continuing detrimental effect on the service user or the service that needs to be addressed.

¹ *Listening, responding, improving: a guide to better customer care*, published by the Department of Health, February 2009 (www.dh.gov.uk)

Our concern is not so much with the number of stages but with the timeliness of responses.

4. Adult and children's care services have statutory procedures and guidance and some councils base all of their procedures on these models. There are significant differences between the two statutory procedures and relevant staff need to be clear about what these differences are and which procedure applies. The information provided for the service user needs to be clear about this and, if it involves stages, what stage they are at and how to progress the complaint should they remain dissatisfied.
5. Complaints may also be connected with other procedures, such as legal or disciplinary proceedings. Often, in the interests of fairness, a response cannot be provided until those proceedings are complete. But this is by no means always the case and responses to complaints should not be unnecessarily delayed simply because other procedures are involved.

We have come across examples of complaints being 'stuck' at the first stage of a complaints process because progression to the second stage is considered to be some kind of failure. We have also dealt with complaints where the pressure to respond to the first stage within a target time has resulted in a poor quality, defensive response that results in the complaint escalating. In some cases this adds to the original complaint a fresh grievance about the way the complaint was handled.

6. We would suggest that councils consider flexible approaches to complaints that are not process driven and do not include numerous stages that require service users to deal with different people and restate their case. We also feel that multiple stages can merely deter staff from taking full responsibility for resolving the complaint.
7. Published complaints procedures should include target timescales.

8. Councils should have adequate systems in place to track progress and follow up delays and reasons for them. These provide useful information on whether timescales and resources are realistic. To ensure that time targets do not result in poor responses, there needs also to be quality monitoring of responses to complaints that do not escalate as well as those that do. Some people are put off pursuing reasonable complaints by the responses they receive in the early stages. This is not a satisfactory outcome for the service user or the council.

Fairness

It is clear about roles and responsibilities

Role of staff

1. All council staff should be aware of the complaints process and how to access it. They should be clear about what their roles are within that process and what they can and cannot do. In the Appendix there are lists of questions to be addressed regarding front line staff and those with investigative responsibility. These can be used as checklists when procedures are being set up or reviewed. Staff can be asked whether they are clear about the extent and the limits of their role by using these questions.
2. Front line staff have a crucial role, not only in ensuring access to the complaints procedures but in capturing information about things that may be going wrong. In our experience their knowledge, gathered from everyday contact with service users, can be undervalued. Those councils that perform well tend to have effective communication loops that allow front line staff to capture and pass on information about emerging issues.
3. Complaints systems need also to be fair to staff who may be the subject of complaints, either directly or through the service they provide. They should be informed of complaints made against them and given the opportunity to comment. It is helpful to draw attention to the complaints system as a mechanism for learning rather than for apportioning blame. The system should provide clear information about, for example, whether they may have a friend or representative with them during any interviews.

It is unfair to staff and service users to expect those staff who are named in complaints to respond to those complaints.

4. It is unfair to staff and service users to expect those staff who are named in complaints to respond to those complaints. They should, of course, be informed and given an opportunity to comment, but it is not appropriate for them to be responsible for providing the response to the person making the complaint. It raises questions about the impartiality and independence of the complaints system.
5. Staff may also be service users and may themselves wish to make complaints against their own councils about service failures that they have experienced (not as members of staff but as citizens). The system should address this by making it clear that such complaints will be dealt with sensitively.

Role of councillors

6. Councillors have an important role to play in ensuring their constituents are aware of what procedures exist to assist them in raising concerns.
7. Councillors can also be in a unique position to see the effects of decisions on constituents and can contribute by passing on what they learn through the proper internal procedures and reviews. Councillors can also play an important part in reviewing performance on complaints through scrutiny procedures.
8. Some councils use a panel of councillors as the final stage in their complaints procedures. However, this can significantly add to the time taken to deal with a complaint. Such reviews, whether by councillors or others, should take place within the 12-week timescale. This does not apply to adult social care complaints where specific reference to a review panel stage has been removed and there are no stated timescales for responses. The expectation is that they will be proportionate and timely.

It is possible through leadership and training to encourage a positive and open-minded approach to complaints.

9. Councils need to consider what, if any, priority should be given to complaints/questions referred by councillors. Staff can struggle with competing demands. It is unfair to give priority to complaints where a person has approached a councillor over those that have been made directly. Protocols for staff on dealing with complaints and councillors' queries need to take this into account.
10. Councillors, in representing individual constituents, can give the impression they are seeking special treatment for that constituent. This can put staff in a difficult position. Staff at every level should have clear support and guidance from senior management in applying policies in a fair way. Councillors may also benefit from training/guidance in the use of the complaints procedures.
11. Complaints about councillors' conduct should not be dealt with through the general complaints process. Such complaints should be reported to the council's monitoring officer and consideration given to whether the matter should be considered by the council's standards committee.

Role of service users

12. Some councils involve service users in consideration of complaints. This helps to put communities in control, to appreciate the issues and to improve local accountability. Service users can contribute a great deal based on their experience. Care must be taken regarding confidentiality and clearly defined roles and responsibilities. It is helpful to have a mechanism for training, and possibly mentoring, service users who play a role in complaints to ensure that there is clarity about what they can and cannot do.

For example, some ALMOs appoint tenants onto their complaints panels. This helps them to ensure tenants' views are not lost. However, it would be inappropriate for them to deal with complaints made by close friends or neighbours. They would lay themselves open to accusations of bias.

Complaints are dealt with in an open-minded and impartial way

13. We all like to believe that we are open minded and impartial when dealing with complaints. It is understandable that people should feel defensive and upset if a complaint is made about them or the service that they provide. Complaints can be a source of worry because, if things have gone seriously wrong, they can result, albeit in a very small number of cases, in disciplinary action.

14. People are often reluctant to make complaints because they do not want to cause upset, or they are concerned that it will affect the way they are treated in future. All of this needs to be taken into account when designing or reviewing a complaints system. This can be done by giving appropriate assurances about confidentiality. Where a response to a complaint cannot be provided without disclosing complainants' details, clear advice should be given to staff about how to respond. It may be possible to have the complaint dealt with by a different department.

15. Defensive responses often arise out of a culture of blame within an organisation. It is possible through leadership and training to encourage a positive and open-minded approach to complaints. Periodic seminars, training events and on-line discussions can help to support staff and maintain a positive approach to complaint handling.

Responses are proportionate; one size does not fit all

16. Fairness does not necessarily mean treating everyone the same. We recommend early direct contact with those making complaints as a means of clarifying the complaint and the desired outcome. It also helps in the process of providing proportionate responses. Contact with complainants should continue throughout the process and responses should be tailored to the individual; some will like formal written contact while others prefer telephone or email.

17. Many complainants want simply the recognition that something has gone wrong and an apology for it. In the past there has been concern about the implications of apologising and the suggestion that this is an acceptance of liability. Section 2 of the Compensation Act 2006 makes clear that an apology in itself does not amount to an admission of negligence or breach of statutory duty. There have also been questions raised about financial

redress. Section 92 of the Local Government Act 2000 gives councils a general power to take remedial action, including paying compensation. Such payments can be an appropriate form of redress for service failures. Staff need to be clear about when they can make such payments.

18. There may be occasions, in more serious cases, where the council's insurers are involved. This is unlikely to be routine and it should not get in the way of providing redress where fault has been acknowledged.
19. We have published guidance on remedies for complaints (see our website at www.lgo.org.uk/publications/guidance-notes/). This sets out the principles and gives some examples of how to apply them.
20. Some service users can be unreasonably persistent or make unreasonable demands on councils through the complaints procedures. Councils should have clear guidance for staff on how to deal with these. We have published a guidance note on unreasonably persistent complainants and unreasonable complainant behaviour to assist councils in the preparation of their own procedures (see our website at www.lgo.org.uk/publications/guidance-notes/).

Credibility

It is managed by someone who can take an overview and can implement changes in the complaints system

1. Service users need to believe in complaints systems if they are going to use them. This means ensuring that the systems are clear and timely and also responsive. Much of this credibility can be established through application of the principles above. To be credible the complaints system needs to be effectively managed by someone with sufficient authority to:
 - > ensure that those principles are applied;
 - > set standards;
 - > ensure they are met;
 - > challenge where they are not; and
 - > make changes where necessary.

Senior managers should take real ownership of complaints processes.

It includes a robust review by someone who has the independence and authority to ask questions, get at the facts and recommend changes in response to complaints.

There is effective leadership that ensures that the complaints system and learning from it has a high profile across the council

2. We have investigated complaints where the staff dealing with the complaint have been involved in the service being complained about and have provided defensive responses to the person making the complaint. As a result, they have failed to consider whether any valid points were being made. Such complaints often become stalled in circular correspondence and can be time consuming and unsatisfactory for all involved.
3. It is also unhelpful to a service user to have their complaint dealt with by a sympathetic member of staff who is powerless.
4. Those systems that provide for a review by someone with no previous involvement, who has the authority to ask questions and take a fresh view are more effective in providing resolutions (even where those resolutions are simply explaining decisions clearly and with some degree of independence). They also make systems more credible to the service user and can save time and resources. The reviewers should not be called 'ombudsmen' because this causes confusion.
5. Complaints systems should not be add-ons or afterthoughts. They are a way of obtaining feedback about how a council is performing and what lessons can be learned. We have come across councils where responsibility for the system is unclear and staff feel unsupported when dealing with complaints. The ownership of the system should be at a high level within the council. Effective leadership should focus not only on how the system works but on ensuring that systems are in place so that lessons are learned. This means that recording of complaints outcomes should have a high profile and results should be reviewed at a high level on a regular basis.
6. Senior management should take real ownership of complaints procedures. They should have a system for receiving reports on complaints and outcomes and ensure that any learning and improvement from complaints is properly disseminated and implemented.

7. It is helpful if councils publicise changes they make as a result of complaints. It shows that they are responsive and ensures that those making complaints and staff responding to them can make a difference.

Some councils have council-wide recording systems so that all departments can keep up to date and learn from each other. Others use their scrutiny procedures or cross-departmental management reports to ensure that information is effectively shared. Both are useful ways of raising the profile of the positive outcomes that effective complaints systems can achieve for councils and for service users.

Accountability

Information is provided in a clear and open way and is properly managed

1. Making information about councils' policies and decision making easily accessible can help greatly with responses to complaints. Many complaints can be dealt with by providing explanations and information about decisions.
2. However, there are also complaints that involve information that should not be disclosed because it would breach privacy rights. This can be a particularly difficult area where, for example, complaints are made about the care of a vulnerable adult; the rights of the person making the complaint do not overrule the vulnerable adult's rights to privacy. These are difficult issues that often have to be dealt with on a case by case basis.
3. Some complaints are about a failure to provide information requested (failure to comply with freedom of information legislation and guidance) or the provision of too much information (in breach of data protection legislation or guidance). This can result in confusion about who is responsible for responses. Staff will need access to advice from the council's information issues specialist. The Information Commissioner also provides advice (www.ico.gov.uk).

Responses to complaints should be clear and evidence-based.

There is follow-up to ensure any decisions are properly and promptly implemented

4. Responses to complaints should be clear and evidence-based. Staff who are investigating complaints need access to confidential storage facilities and clear guidance about: the importance of record keeping; who should have access to information regarding complaints; and when information should be destroyed. This guidance should take into account public rights of access to information and rights to privacy, as set out in the relevant legislation.
5. We have been critical of councils where recommendations for remedies have been agreed but not implemented. This is sometimes due to there being no single person identified as being responsible for ensuring implementation of decisions. This can be resolved.

Some councils use their councillors or committees to ensure that decisions are followed up by requiring periodic reports on progress. Some councils produce an action plan that identifies what action will be taken, by whom and when. A manager is then charged with ensuring that the action plan is implemented.

6. Sometimes remedies are provided for the individual making the complaint but changes in practice, procedure and policies are not made. This problem can also be overcome if, as we suggest earlier in this document, complaints are the subject of regular reports to senior management. They can then take responsibility for implementing changes, and a very clear message is given about how important effective complaint handling is to the whole council.
7. Performance management information needs careful consideration. A target to reduce the number of complaints is not necessarily a good thing. A low level of complaints may indicate an invisible, inaccessible or unusable complaints procedure. Drops in complaint numbers may be indicative of a general lack of confidence in the process. The important information is the outcome, not necessarily the number received. Information on identification and

There is regular monitoring to ensure timescales and satisfaction levels are met

There is periodic review of the process, to keep it up to date and keep the public informed

implementation of improvements resulting from complaints is helpful as a means of managing performance and recognising the contribution complaints make to service improvement.

8. In addition to the regular performance management process, there should be provision for review of the whole complaints process to take account of changes in the area, in users' needs, and in legislation and guidance. If the review includes staff and service users then, as well as keeping it up to date, it helps to raise the profile of the process and prevents it from becoming stale and redundant.

March 2009

Appendix

Here are two lists of questions that might be used with staff to check whether complaints systems are clear and whether staff are aware of the extent and limits of their responsibilities.

1. Staff who receive complaints (front line staff)

- > What does their job description say about their role in receiving/processing complaints?
- > What does the complaints procedure say about what should be done and by whom when a service user approaches front line staff to make a complaint?
- > Are front line staff sufficiently knowledgeable about the process and possible outcomes to advise service users on what will happen?
- > Do front line staff have access to arrangements/agencies that provide assistance to those wishing to make a complaint (translation services etc)? Do they have the authority to arrange this?
- > What records should front line staff keep about service users who approach them to make complaints? Do they know what happens to these records?
- > Do they have access to information about previous complaints? Is it their role to find out whether there is any history regarding the complaints they receive?
- > If they see that something has gone wrong do they have the authority to put it right? If not, do they know what to do to get it put right?
- > Are staff supported and encouraged to apologise when things have gone wrong?
- > If settling a complaint involves cost to the council, do they have the authority to authorise this? If not, do they know who does?
- > If they see that something has gone wrong do they know how this information is fed into the system to avoid similar problems?
- > How do they give and receive feedback about complaints?

2. Staff who investigate and respond to complaints

- > What authority do they have to access people/documents from their own and other departments?
- > Do they have access to confidential file storage?
- > If the complaint involves partners/joint working are there arrangements for someone to take the lead? What arrangements are there for sharing information (and protecting privacy)?
- > What arrangements are in place for interviewing staff (for example, advice about who can and cannot be present during interviews)?
- > If the council is using 'independent' investigators what is the relationship and what is the extent of their authority?
- > What access do staff have to legal advice?
- > Can they settle complaints – what guidance do they have about settlements?
- > Are staff supported and encouraged to apologise when things have gone wrong?
- > What is the process for agreeing settlements that incur costs?
- > Who provides the response to the complainant?
- > If the investigation raises internal issues that need to be addressed, what access does the complainant have to any reports/recommendations about these?
- > Can they recommend disciplinary action? What would their role be in any subsequent procedures?

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Bath & North East Somerset Council	
MEETING:	Resources PDS Panel
MEETING DATE:	15 th July 2013
TITLE:	Business Rates Collection and Recovery
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Supplementary report 'Business Rates Collection and Recovery'</p> <p>Originated by Ian Savigar, Director of Customer Services</p>	

1 THE ISSUE

1.1 The Panel is requested to consider the current collection performance for business rates (National Non-Domestic Rates or NNDR), the current risks and opportunities, and the actions being taken to mitigate the risks and progress the opportunities. Then to decide on whether appropriate arrangements exist to maximise revenue collection, especially in view of legislative changes within the current financial year. These changes permit the Authority to retain a share of any growth in income from business rates.

2 RECOMMENDATION

The Resources PDS Panel is asked to agree that:

2.1 Appropriate arrangements exist for the maximisation of business rates income.

2.2 The Authority is in a suitable position to derive direct benefit from any growth in income from business rates, as allowed under the Business Rates Retention Scheme.

3 FINANCIAL IMPLICATIONS

Under the Business Rates Retention Scheme, any variation in the Business Rates income achieved in 2013/14 compared to the expectations included in the Council's budget will result in a surplus or deficit on the Collection Fund. An estimate of this position needs to be taken in December each year with the impact built into the following year's budget.

4 THE REPORT

- 4.1 A supplementary report includes statistical information on collection rates performance, with an indication of our relative position nationally and locally.
- 4.2 It gives figures for collection rates for both Business Rates and the levy for Bath Business Improvement District, for which the Authority acts as collection agent.
- 4.3 Further, it includes an indication of volume of work which arises in the recovery of arrears and the enforcement of debt collection from business rates debtors
- 4.4 Following a further request for similar information relating to Council Tax Administration and Collection, additional details will be provided in advance of the meeting.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

- 6.1 An Equalities Impact Assessment has not been completed for the following reason.

The report considers the performance of tax collection which is undertaken within a rigid legislative framework set nationally. The legislation is understood to give full regard to any considerations of Equalities.

7 CONSULTATION

- 7.1 *Cabinet Member; Policy Development and Scrutiny Panel; Staff; Section 151 Finance Officer; Monitoring Officer*
- 7.2 The consultation has been performed through Finance involvement in the preparation of this and the supplementary report, and by circulating the resulting output to the other named parties.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

- 8.1 *Customer Focus; Impact on Staff; Other Legal Considerations*

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Ian Savigar, Director Of Customer Services</i> <i>Tel: 01225 47 7327</i>
Background papers	<i>Department of Communities and Local Government Statistical Release 26th June 2013</i> <i>Collection Rates and Receipts of Council Tax and Non-Domestic rates in England 2012-13</i>
Please contact the report author if you need to access this report in an alternative format	

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Resources PDS Panel		Date originated: 24th June 2013
Business Rates Collection and Recovery		Version 1.3
Report Originator	Ian Savigar Director of Customer Services	

1. Background and context

The report reviews the current collection performance for business rates (National Non-Domestic Rates or NNDR), highlights current risks and opportunities, and the actions being taken to mitigate the risks and progress the opportunities.

It also considers the performance of the Bath Business Improvement District (BID) which commenced on 1st April 2011. Thus we are now in the third year of the scheme. The Authority acts as collection agent for the Bath BID Company and is responsible for collecting the levy owed by businesses in and around central Bath. The Bath BID Company uses the levy income to deliver its objectives, and pays the Council an annual fee of £32,500 to meet the Council's costs of collecting the levy.

The collection of business rates continues to be undertaken in a difficult economic environment. There has been pressure on collection performance in recent years, following the recession of 2008/9 and during the protracted recovery from the recession.

Within this context, the current financial year has seen the introduction of a Business Rates Retention Scheme, which means the Council will be able to retain around 33% of any growth in business rates which is achieved above the baseline set by Government.

2. Resources for Business Rates and BID Collection

Business Rates is collected from local businesses by a small administrative team within the Operations area of the Customer Services division. Presently the team consists of one Team Leader and three Officers, one of whom is funded by the Bath BID Company for full-time involvement with the BID.

The NNDR and BID accounts are maintained and administered on distinct and separate databases within the Northgate software, which is supported by the Council's IT support and, on occasions, a Northgate Helpdesk operated by the supplier. As at 25th June 2013, there were 5681 business rates accounts and 670 BID accounts.

2.1 Business Rates Collection Performance - including Arrears and Recovery

The NNDR collection is shown throughout a financial year as a percentage of the maximum collectable debit. The maximum collectable debit is the amount of business rates due from ratepayers and billed at start of the year, adjusted for business moves, changes to rateable values and reliefs and for write-offs within the period.

In recent years the business rates collection has been as shown here:

Financial Year	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13
Month						
Apr	17.20	19.59	13.77	19.11	15.67	15.27
May	25.65	28.16	28.46	27.43	26.19	24.43
Jun	34.68	36.81	37.22	36.14	34.97	33.13
July	43.55	45.38	46.02	43.06	42.97	42.62
Aug	52.99	53.54	54.19	50.79	51.35	51.61
Sept	61.96	62.43	63.28	59.81	60.93	60.56
Oct	71.19	71.53	71.69	68.22	69.78	69.90
Nov	79.74	79.91	80.66	78.21	78.84	78.46
Dec	88.24	88.55	89.07	86.65	87.03	87.40
Jan	97.39	96.21	96.66	93.93	95.74	95.86
Feb	98.30	97.88	97.88	96.40	97.07	96.95
Mar	98.67	98.71	98.24	97.94	97.82	97.49
Change in Outturn		0.04	- 0.47	- 0.30	- 0.12	- 0.33

The total net collectable debit for 2012-13, as stated at the end of that financial year on 31st March 2013, was £61.98M (2011-12: £60.47M).

The outstanding arrears for business rates, carried forward on 31st March 2013 was as shown below, with a comparison to prior year:

Aged Debt Analysis	As at 31/03/2013		As at 31/03/2012	
	£	%	£	%
Last Financial Year	1,964,943.48	78.20	1,594,770.89	65.35
One Year Prior	351,738.06	14.00	431,024.82	17.66
Two Years Prior	93,251.32	3.71	151,041.53	6.19
Three Years Prior	29,732.55	1.18	127,054.29	5.20
Four Years Prior	30,953.97	1.23	80,545.22	3.30
Older	42,170.86	1.68	56,055.52	2.30
Debt comparison by year	2,512,790.24		2,440,492.27	
		100.00		100.00
Percentage Change	2.96			
Credit Balances	- 555,380.80		- 482,652.50	

The credit balances are historic accounts where a credit balance exists, generally because:

- We need clarification on an aspect of the account (for example no forwarding address, incomplete information) so have requested the customer contact us..
- We have attempted to refund the credit though it's been returned (as 'unpresented' in the case of cheque) and therefore reapplied to the account.

- We have made historic adjustments to accounts occurring after the rates payer has vacated the property.

Legislation requires the Authority refund the rates payer if requested whatever the amount, so we maintain the record for 6 years.

In efforts to recover the arrears balances, the Business Rates team in Operations run reminders and final notices every month to try and identify problem debtors early. If needs be, cases are transferred to other Operations personnel specialising in Recovery and Enforcement, where the Authority issues Summonses to Magistrates Court. It is the Magistrates Court that grants Liability Orders which permit the Authority to take further action – for example the involvement of external collection and enforcement agents/ bailiffs.

Information on Summonses and Liability Orders in Financial Years 2011-12 and 2012-13 is shown in the following table. Also included are the numbers of reminders and final notices issued in the first part of this financial year.

Financial Year	2011-12		2012-13		2013-14	
	Summons	Liability Orders	Summons	Liability Orders	Reminders	Final Notices
Apr					398	46
May					140	174
June			30		109	111
July	48	30		24		
Aug			119			
Sept	157	119		174		
Oct			70			
Nov	109	111		49		
Dec	35					
Jan		23	51	37		
Feb	71		45			
Mar		49		19		
Total	420	332	315	303	647	331

The peak for reminders in April 2013 took into account outstanding balances brought forward from the previous financial year. Apart from that, the numbers of notices are around the expected level in this period.

3. Bath Business Improvement District (BID) Collection Performance

The BID levy is calculated for all relevant businesses, sited within the defined geographical area of the scheme, at the start of a financial year. The levy is a single annual amount due from the businesses and is payable on demand.

Collection results are as shown here, with comparisons to prior years:

Financial Year	2011-12	2012-13	2013-14
Month	%	%	%
Apr		58.17	66.18
May		74.96	81.16
Jun		78.05	
Aug	88.82	81.37	

Sept	89.90	82.14	
Oct	90.54	82.80	
Nov	91.64	83.44	
Dec	93.27	83.68	
Jan	93.73	88.32	
Mar (Outturn)	95.31	93.50	

The total net amount to collect at April 2013 was **£620,993.47** (April 2012: £624,349.41).

4. Opportunities to Grow Business Rates Collection

Opportunities to increase business rates income, and to derive direct benefit within the Authority, are provided by:

- The introduction of the Business Rates Retention Scheme in financial year 2013-14
- Possible introduction of a 'City Deal' scheme covering the West of England Unitary Authorities

4.1 Business Rates Retention

From April 2013, the Government has changed the way local government is funded through the introduction of the Business Rates Retention Scheme. The Authority is now able to benefit directly from local business growth by keeping a share of any increase in business rates revenue to invest in local services.

Under this arrangement, the Council also shares the risk of a fall in business rates income. 'Safety net payments' will be available if business rates income falls by 7.5% or more. This safety net will be funded by a levy on Councils whose business rates revenue increases by a disproportionate amount compared to their needs.

The scheme is intended to ensure the more a Council grows its business rates, the more it can benefit.

4.2 City Deal – Growth Incentive

The Growth Incentive element of the City Deal looks to provide the four West of England Councils with a licensed exemption from the effects of the resets and levies of the local government finance system in five Enterprise Areas over 25 years (starting April 2014), enabling the West of England to retain 100% of business rates growth in these areas. In return, the Authorities will agree to pool this additional business rate income, and invest it in part to support a £1 billion Economic Development Fund, and also in supporting any extra demographic pressures each council may face.

Full details were provided to the last meeting of the Panel and will be subject to consideration by the Full Council on 11th July 2013.

5. Risks to Business Rates Collection

The current risks to Business Rates income are recognised to be:

- The continuing difficult economic environment subsequent to the recession of 2008/9, which has seen an unprecedented, protracted recovery from a sharp downturn.
- Increasing switch by shoppers away from high street retailers to internet, largely as a result of pressures on disposable incomes.
- Legislative changes which provide greater reliefs for businesses while restricting the expected achievable growth.

6. Comparisons of Business Rates Collection to other Authorities

The Authority's performance in NNDR collection can be compared to other Authorities at this website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208764/Statistics_Release_Collection_Rates_2012-13.pdf

To quote the publication dated 26 June 2013 (and the prior year equivalent publication), **NNDR Collection Rates for England between 2007- 8 and 2012 -13** were as here:

Year	%	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
All London Boroughs		98.9	98.0	98.0	98.1	98.2	98.2
Metropolitan Districts		98.5	97.2	97.5	97.3	96.8	96.7
Unitary Authorities		98.6	97.5	97.4	97.7	97.5	97.4
Shire District Councils		99.0	98.2	98.2	98.4	98.3	98.1
England Total		98.8	97.8	97.8	98.0	97.8	97.7
Source QRC4 Returns							

Within the region, the NNDR collection rates for 2007-08 to 2011-12 were:

South West	%	98.9	98.2	98.0	98.1	97.7	Not given for 12-13
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7. Forecast Collection Rate

The forecast monthly collection rates for 2013-14, as used within the Authority's QPR monitoring software, are set at the actual rates for the months of 2012-13. In effect, we are aiming to maintain collection at the same rate as last financial year.

8. Financial Implications

Under the Business Rates Retention Scheme, any variation in the Business Rates income achieved in 2013/14 compared to the expectations included in the Council's budget will result in a surplus or deficit on the Collection Fund. An estimate of this position needs to be taken in December each year with the impact built into the following year's budget.

9. Risk Management

Business rates income and the reliefs offsetting that income are being monitored monthly within Customer Services and Finance using a spread sheet called the Control Account Monitor. Thus any significant change in the level of business rates income achieved will be detected, should it occur.

Given the difficult economic environment in which collection is being undertaken, the risk of lower than expected collection for business rates is entered within the Risk Register for Operations, Customer Services. This entry has been in the Register since August 2011.

The level of resource allocated to recovery and enforcement work for business rates will be set depending on the collection rate performance observed within the Control Account Monitor.

Risks associated with the localisation of business rates income under the Retention Scheme are limited by the concept of 'Safety Net Payments' which are built into the scheme design.

Report Author:	<i>Please include your name and contact telephone number here</i>
Ian Savigar Significant Contributions:	<i>Director of Customer Services</i>

RESOURCES PDS FORWARD PLAN

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

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<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

Should you wish to make representations, please contact the report author or Michaela Gay, Democratic Services (01225 394411). A formal agenda will be issued 5 clear working days before the meeting.

Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Riverside (Keynsham) and at Bath Central, Keynsham and Midsomer Norton public libraries.

Resources PDS Forward Plan

Bath & North East Somerset Council

Anticipated business at future Panel meetings

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
RESOURCES PDS PANEL - 15TH JULY 2013				
15 Jul 2013	Resources PDS	Review of Delivery of Budget Savings and Income	Tim Richens Tel: 01225 477468	Andrew Pate
15 Jul 2013	Resources PDS	Business Rates and Council Tax - Collection and Management	Ian Savigar Tel: 01225 477327	Andrew Pate
15 Jul 2013	Resources PDS	Corporate Complaints Policy and Procedures	Ian Savigar Tel: 01225 477327	Andrew Pate
RESOURCES PDS PANEL - 23RD SEPTEMBER 2013				
23 Sep 2013	Resources PDS	Workplaces Update (including Guildhall and Keynsham)	Tom McBain Tel: 01225 477806	Andrew Pate
23 Sep 2013	Resources PDS	Procurement	Jeff Wring Tel: 01225 477323	Andrew Pate
23 Sep 2013	Resources PDS	Review of Council Lettings for Use of Rooms	Stephen Bird Tel: 01225 477750	Andrew Pate

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
23 Sep 2013	Resources PDS	Social Fund	Ian Savigar Tel: 01225 477327	Andrew Pate
23 Sep 2013	Resources PDS	Staff Resources	William Harding Tel: 01225 477203	Andrew Pate
23 Sep 2013	Resources PDS	Performance Management	Andrew Pate Tel: 01225 477300	Andrew Pate
RESOURCES PDS PANEL - 11TH NOVEMBER 2013				
Page 77 11 Nov 2013	Resources PDS	Grand Parade and Undercroft Update	Tom McBain Tel: 01225 477806	Andrew Pate
11 Nov 2013	Resources PDS	Medium Term Plans	Andrew Pate Tel: 01225 477300	Andrew Pate
RESOURCES PDS PANEL - 13TH JANUARY 2014				
The Forward Plan is administered by DEMOCRATIC SERVICES : Michaela Gay 01225 394411 Democratic_Services@bathnes.gov.uk				

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