

Audit and Governance Committee

9 July 2021

Corporate Complaints

For Decision

Portfolio Holder: Cllr S Flower, Leader of the Council

Executive Director: J Mair, Corporate Director, Legal & Democratic

Report Author: Marc Eyre
Title: Service Manager for Assurance
Tel: 01305 224358
Email: marc.eyre@dorsetcouncil.gov.uk

Report Author: Tony Bygrave
Title: Service Assurance Officer - Complaints
Tel: 01305 225011
Email: antony.bygrave@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: That the Committee:

- Approve the revised Whole Authority Complaints Policy (Appendix A) to change to a single stage process for non-statutory complaints;
- Note the revised arrangements for managing unreasonable behaviours (Appendix B)

Reason for Recommendation: Improve the complaint management process.

1. Executive Summary

Dorset Council currently operates a two stage process for handling of non-statutory complaints (i.e. non-social care). It has become evident that the second stage adds both an additional burden on staff time and a perception of increased bureaucracy before complainants can seek the independent eye of the LGSCO. It

is proposed therefore to remove this second stage, within a revised complaints policy.

The report also presents a revised “unreasonable behaviours” protocol, to provide a clear, consistent and fair approach to managing vexatious, aggressive and potential violent contact against employees, elected members and volunteers.

2. Financial Implications

There is a potential increased financial risk as more complaints could escalate to the Ombudsman without a review stage, but this risk is perceived to be low.

3. Well-being and Health Implications

High caseloads have a significant impact on both staff in the complaints team and more widely for officers across the Council. Whilst the change to a single stage process will not significantly reduce caseloads, it will cut out some pressure. However, the changes made to the unreasonable behaviours process are anticipated to provide a more holistic view, and management centrally is likely to increase pressure on the corporate team.

4. Climate implications

None.

5. Other Implications

None.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Medium
Residual Risk: Medium

7. Equalities Impact Assessment

The complaints policy was subject to EQIA.

8. Appendices

Appendix A – Proposed Revised Whole Authority Complaints Policy

Appendix B – Unreasonable Behaviours Protocol

9. Background Papers

[Cabinet – 28 January 2020](#)

[Existing “Whole Authority Complaints Policy”](#)

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Corporate Complaints

1 Proposal for Single Stage Complaints Policy (Non Statutory Complaints)

1.1 Complaints fall into two key categories –

- Those that relate to social care, and are subject to strict statutory three stage process and statutory timescales;
- Non-social care complaints that are subject to response timescales set by the authority. Whilst non-statutory, the complainant retains the right of escalation to the LGSCO in the event that timescales are not adhered to and complaint outcomes are unsatisfactory.

1.2 Dorset Council currently operates a two stage process for handling of non-statutory complaints (i.e. non-social care). Predecessor Councils operated a range of stages in the process (varying from a single stage to three stage process). During the Shaping Dorset discussions a compromise was reached whereby the complaint was initially assessed by officers (stage one) and then the option for the complaint to be escalated to a more senior manager for review should the decision be challenged. If the complainant remains unsatisfied they can pursue their complaint via the Local Government and Social Care Ombudsman (LGSCO).

1.3 Dorset Council has been operating its Complaints policy for just over two years, and it has become evident that the second stage adds both an additional burden on staff time and a perception of increased bureaucracy before complainants can seek the independent eye of the LGSCO.

- 1.4 Whilst the complaints process was intended to be a single stage process with an 'option' for review, this is interpreted by the LGSCO as a two-stage process. The LGSCO will therefore refer complaints back to us for review regardless of whether the complainant has requested one, as it is not deemed that we have fully exhausted our process.
- 1.5 The review period provides an additional challenge in our increasing efforts to manage unreasonable behaviours to a final position (whilst few complainants come under this category, they account for a significant amount of handling time in both the complaints team and service areas).
- 1.6 A single stage process provides an opportunity to move complaints to a resolution more swiftly without undue process (which generally consists of the senior manager reiterating the original response, placing an additional strain on senior officer time).
- 1.7 The risk to moving to a single stage process is that of the LGSCO finding against the Council, with the resultant reputational and financial consequences. This is however perceived to be a low level risk, as every effort is made to resolve complaints informally and the complaints team work alongside the services to ensure that complaint responses are fit for purpose. It is therefore our considered view that the benefits of moving to a single stage process outweigh this risk. The LGSCO also give the council chance to comment as part of their investigations and will essentially provide a 'review' opportunity if something has gone wrong. The financial implications are also minimal when considered against the time and resources of senior managers duplicating investigations into complaints that have already had a robust response.
- 1.8 The proposal to move to a single stage complaints process for non-statutory complaints was approved in principle by Corporate Management Team on 23 March 2021 and is presented to committee for ratification.

2 Management of Unreasonable Behaviours

- 2.1 There has been a marked increase in contact by complainants managed under the "unreasonable complainants" policy (i.e. those deemed vexatious and/or present a potential risk). This has put pressure on both the corporate complaints team, service areas and councillors.
- 2.2 The existing "unreasonable complainants" policy restricts application to those that have made a complaint. However, unreasonable behaviour can be displayed more generally by customers (appreciating that this remains a very small proportion of residents) and in such cases the contact needs to be managed to both protect staff, councillors and volunteers and the time associated with such contact. Possibly linked to the difficulties of the last

twelve months and covid restrictions, there has been a definite increase in contact from those that display unreasonable behaviours, which puts further pressure on resources but also can have a negative impact on wellbeing.

- 2.3 Cabinet approved the development of a wider “unreasonable behaviours” protocol on 28 January 2020, and responsibility for finalising this was delegated to the Corporate Director for Legal and Democratic in consultation with the Leader. Pressures within the Assurance Service during 2020 (most notably on the emergency planning function and the increasing complaint workload) meant that the revision to the arrangements have taken longer than would have been hoped. However, the revised protocol as set out in Appendix B has been developed in conjunction with both health and safety and customer services colleagues, and approved by Corporate Leadership Team on 12 March 2021. It is now ready for roll-out and promotion.
- 2.4 A small panel of staff will determine whether it is appropriate to apply the protocol and allocate a single point of contact. The information will be held in a secure database, as per current arrangements for unreasonable complainants, but available on a need to know basis. Each unreasonable behaviour record will be reviewed after 12 months by the panel.