

Corporate Complaints Procedure

Annual Report 2020-21 v1.0



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Purpose of the Report

This report provides information on complaints received by Staffordshire County Council for the period April 2020 to March 2021 that have specifically been dealt with under the Council's Corporate Complaints Procedure under Stage 1, Stage 2 Review and complaints that have been investigated by the Local Government and Social Care Ombudsman. Complaints regarding adult's social care and children's social care are not considered within this report and are managed by two different statutory processes and are subject to separate scrutiny.

What is the Corporate Complaints Procedure?

The Council aims to provide a high standard of service, however there are occasions where those who access our services may feel that this standard has not been met. The aim of the Corporate Complaints Procedure is to make sure that

- residents feel that they are being listened to
- complaints are dealt with to a fair and consistent standard
- the Council responds to complaints in a reasonable timescale
- outcomes from complaints are documented and shared throughout the Council
- a 'do it once do it right' approach is taken to complaints

The Council has based its complaints procedure on guidance set out in the Local Government and Social Care Ombudsman's 'Guidance on Running a Complaints System 2009'. The guidance explains the principles underpinning a successful complaints procedure:

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

What is a Complaint?

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.

It is important to note that there are several exclusions within the Corporate Complaints Procedure and not all complaints will be addressed under this procedure, even if the resident has identified their concerns as a complaint. The following are examples of exclusions under this procedure:

- First time request for service
- Certain highways issues
- Suggestions for improvements to council services
- Council action or lack of action that affects more than one individual, such as local highways or community issues
- Claims for damages
- Matters where an alternative and more appropriate course of action exists

The Corporate Complaints Procedure

Complaint/feedback received by the Council

Details of the complaint are assessed by the Complaints Team for allocation to the relevant process. The assessment can include reference to relevant policy/procedure/process, records held by the Council, information sought from the service

Refer to Report It

Customer notified by Highways Feedback Officer

Enquiry/ Comment

Passed to service to provide response

Informal Resolution

Initiate CCP and passed to service to respond

Formal Complaint

Escalate straight to CCP formal investigation

Complaints Team allocates to appropriate service who investigate concerns and provide a response directly back to the customer.

Timescale - 10 working days

Customer is advised that they may request further consideration complaint is

Stage 1 Investigation

Scope of investigation identified by the Complaints Team.

Confirmation of formal complaint investigation sent to customer.

Investigation allocated to manager of the service for investigation process to commence.

Timescale - 20 working days

Customer provided with written response and is advised that they may request a Stage 2 Review in line with guidelines set out in CCP

Request for formal investigation submitted. Assessed by Complaints Team

Stage 2 Review Request

Accepted - Stage 1 investigation and response reviewed by Senior Manager

Timescale 25 working days

Final response from the Council - complainant signposted to the Local Government & Social Care Ombudsman

Refused - No further consideration of complaint by the Council. Complainant signposted to Local Government & Social Care Ombudsman

The Role of the Complaints Team

The Complaints Team are responsible for assessing complaints that are received by the Council. All complaints are screened to identify the most suitable way to address the issues raised.

As part of the screening process, the Complaints Team will define the issues that require investigation from the information submitted by the complainant. Defining complaints or statement of complaints has several benefits including:

- Assisting the allocated Investigating Officer in identifying the key issues that require investigation
- Ensuring that each complaint is considered separately and provides the complainant with a clear decision as to whether their complaint has been upheld or not
- Captures themes and trends for reporting purposes

It is important that a complaint is dealt with via the correct process from the beginning to avoid any potential future maladministration.

Formal complaints are coordinated via specific statutory and corporate policies and procedures to manage this. Issues that are not eligible for handling under the formal complaint's procedures will be directed as appropriate.

Complaints are directed to the relevant service area, and progress is monitored to ensure that a response is provided within corporate timescales. Complaints are responded to at the point of service delivery giving the service area subject of the complaint the opportunity to respond to any concerns raised about it. The manager of the service is also best placed to provide a knowledgeable and comprehensive response to the complaint. They can identify where things have gone wrong and propose a suitable remedy to the complainant.

The Complaints Team do not usually provide a response to complaints unless in exceptional circumstances. This is to provide the resident with confidence that the team offers an impartial service that can support them in making representation to the Council. The team provides advice to persons wishing to use these procedures and also offers staff members support and guidance on how to appropriately handle and respond effectively to complaints about the Council.

Collation of Data

Complaints are collated on a bespoke database that records details of the service subject of the complaint, the nature of the complaints raised, the outcome and remedies/learning.

Highlights 2020-21



Reduction in:

Stage 2 Review requests- 41%

LGSCO Contacts - 39%



Improved response timescale compliance in comparison with previous reporting period

Stage 1- 87%

Stage 2 - 77%



Reduction in Stage 1 complaints Not Upheld - 49%

Increase in Stage 2 Reviews Not Upheld - 61%



Improved Ombudsman performance:

Reduction in investigations

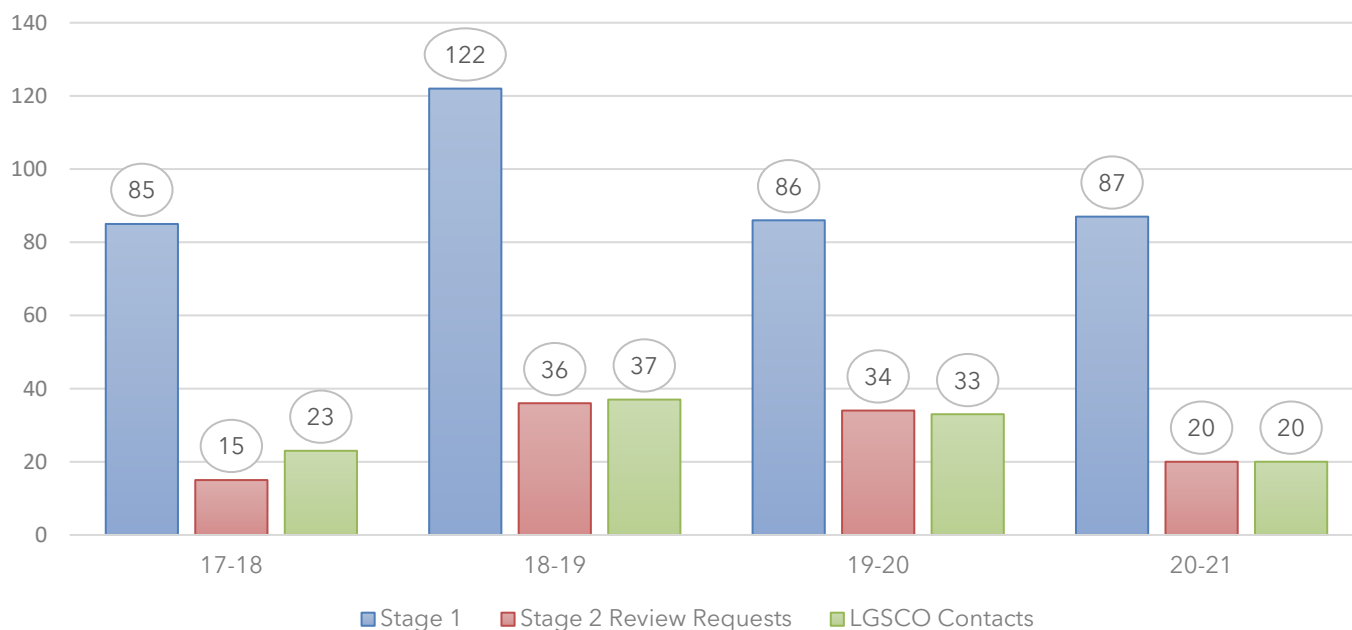
No financial redress 2021



Increase in matters received and dealt with outside the Corporate Complaints Procedure

Overview of Complaint Volumes

The following chart provides information on the number of Stage 1, Stage 2 Review requests and Local Government and Social Care Ombudsman's contacts during 2020-21 in comparison with previous reporting years.



2020-2021	Stage 1	Stage 2 Review Requests	LGSCO Contacts
Economy, Infrastructure & Skills	59	15 <i>13 Investigations 2 Refusal to Escalate</i>	14 <i>2 Investigations 2 Enquiries 10 Not Investigating</i>
Families & Communities	4	1 <i>1 Investigation</i>	3 <i>1 Enquiry 2 Not Investigating</i>
Corporate Operations	24	4 <i>4 Investigations</i>	3 <i>3 Not Investigating</i>
Total	87	20	20

Stage 1 Investigations - Increase by 1.1%

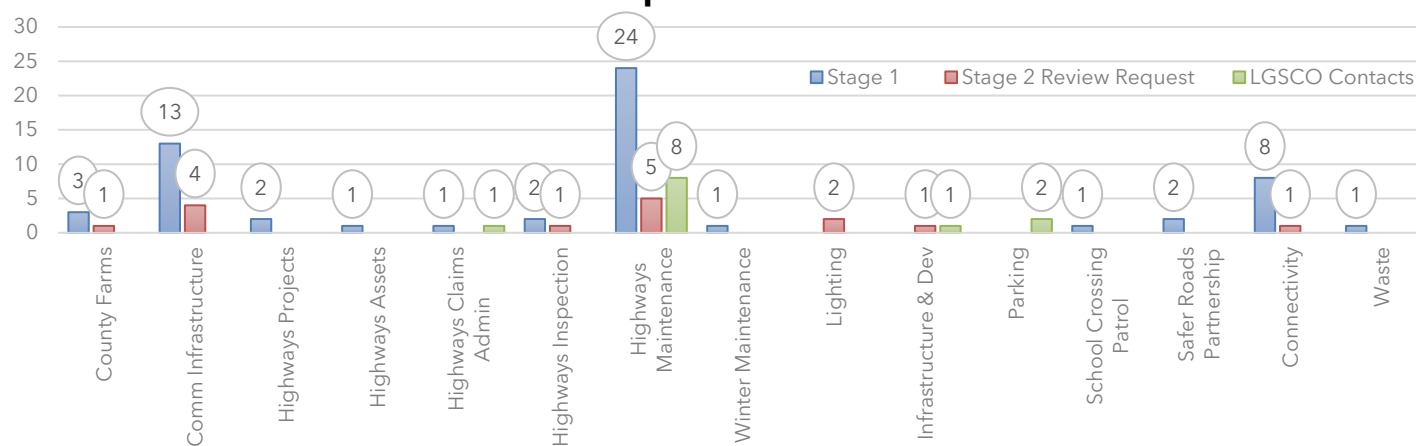
Stage 2 Review Requests - Decrease by 41%

LGSCO Contacts - Decrease of 39%

Economy, Infrastructure & Skills

2020-2021	Stage 1	Stage 2 Review Requests	LGSCO Contacts
Highways & the Built County	47	13 <i>11 Investigations 2 Refusals to Escalate</i>	13 <i>1 Investigation 2 Enquiries 10 Not Investigating</i>
Business & the Enterprise County	3	1	0
Transport & the Connected County	9	1	1 <i>1 Investigation</i>
Total	59	15	14

Breakdown of complaints for individual teams



Investigation Outcomes

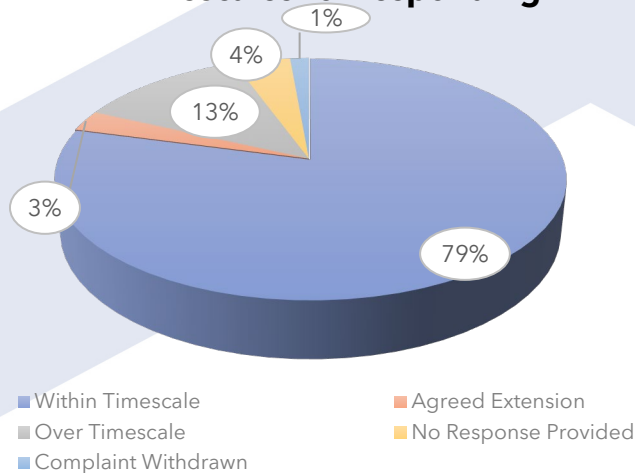
	Stage 1	Stage 2	LGSCO
Upheld	10	0	
Partially Upheld	10	2	
Not Upheld	33	10	1
Other*	6	1	
Not Investigating			13

*Resolved/Complaint Withdrawn/No Outcome Stated

Top Reasons for Complaint:

- 49%** Service not Provided
- 20%** Unhappy with Council Action/Decision
- 13%** Staff Professionalism

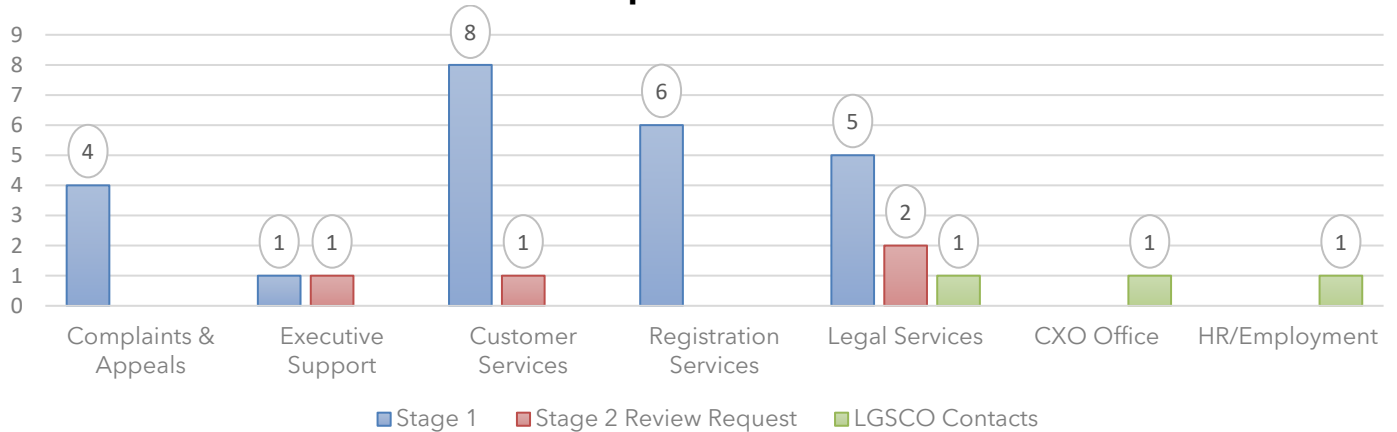
Timescales for responding



Corporate Services

2020-2021	Stage 1	Stage 2 Review Requests	LGSCO Contacts
Corporate Operations	19	2 <i>2 Investigations</i>	0
Legal Services	5	2 <i>2 Investigations</i>	1 <i>1 Not Investigating</i>
HR/Employment	0	0	1 <i>1 Not Investigating</i>
CXO Office	0	0	1 <i>1 Not Investigating</i>
Total	24	4	3

Breakdown of complaints for individual teams



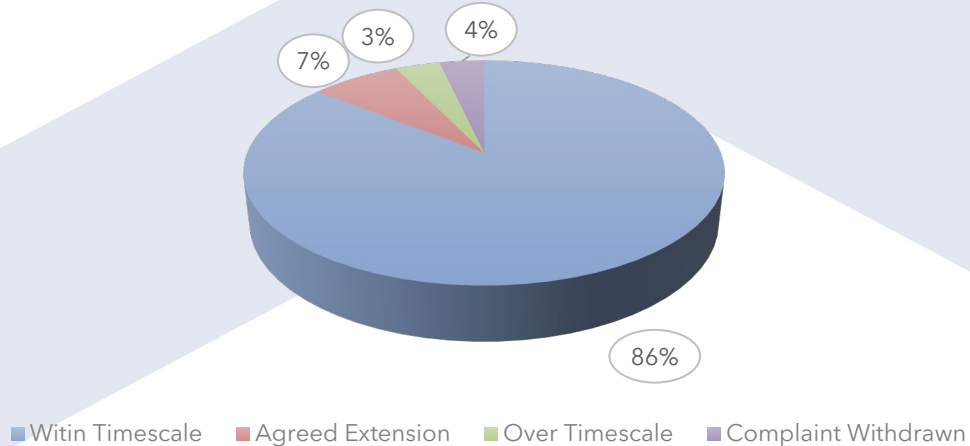
Investigation Outcomes

	Stage 1	Stage 2	LGSCO
Upheld	7	1	
Partially Upheld	7	1	
Not Upheld	9	2	
Complaint Withdrawn	1		
Not Investigating			3

Top Reasons for Complaint:

- 37%** Staff Professionalism
- 29%** Service Not Provided
- 16%** Quality of Service

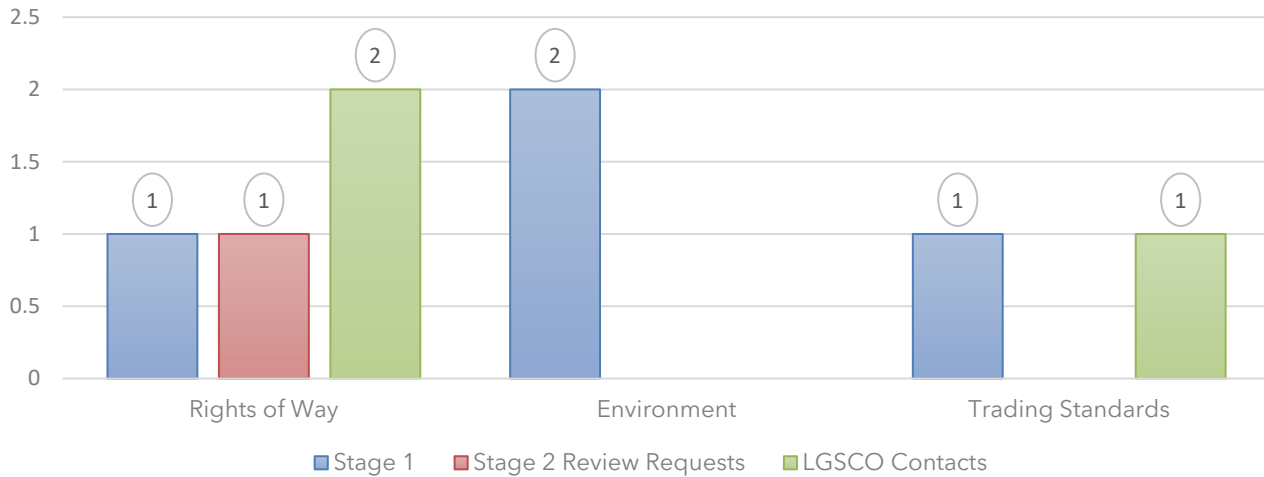
Timescales for responding



Families & Communities

2020-2021	Stage 1	Stage 2 Review Requests	LGSCO Contacts
Rural County	3	1 <i>1 Investigation</i>	2 <i>2 Not Investigating</i>
Trading Standards	1	0	1 <i>1 Enquiry</i>
Total	4	1	3

Breakdown of individual teams



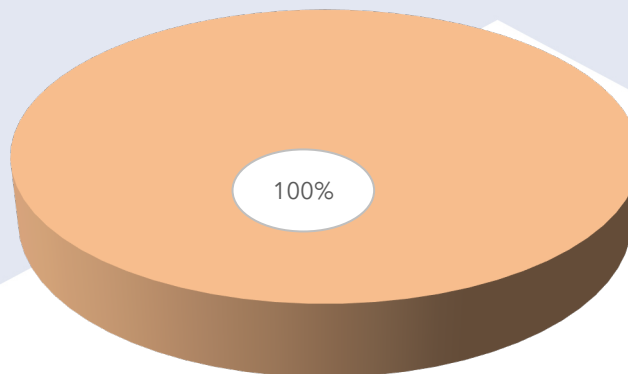
Investigation Outcomes

	Stage 1	Stage 2	LGSCO
Upheld	0		
Partially Upheld	3		
Not Upheld	1	1	

Top Reasons for Complaint:

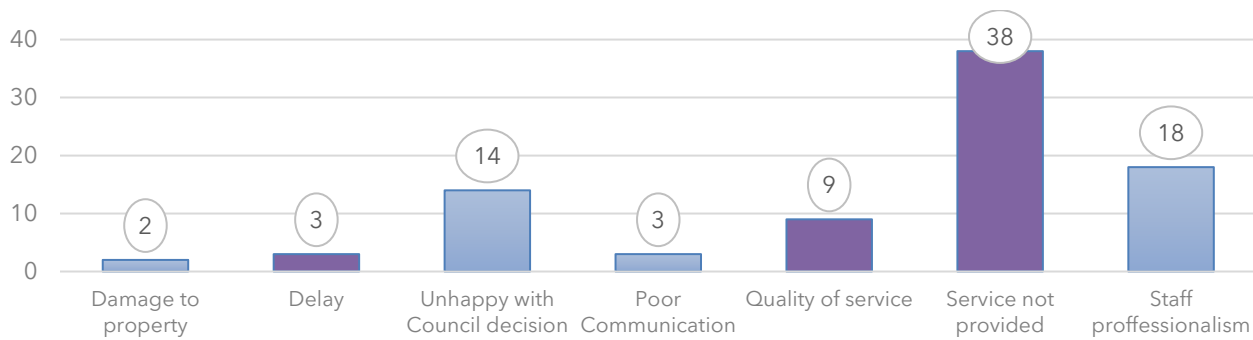
- 40% Service Not Provided
- 20% Staff Professionalism
- 20% Quality of Service

Timescale for responding



Overview of Stage 1 Complaints

Below illustrates the nature of complaint received under Stage 1 of the Corporate Complaints Procedure.



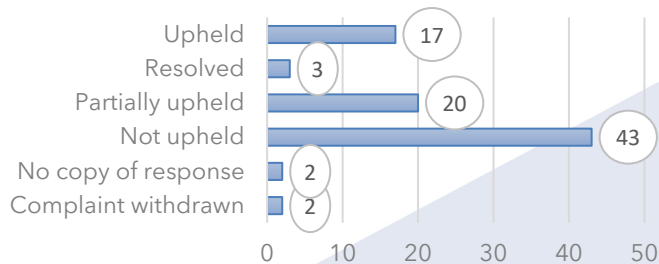
57% of complaints were about **service-related issues**, with service not being provided being the most popular. The majority of these relate to highways maintenance and inspection and include:



- Customer not happy with remedial works that have been carried out
- Receiving updates to advise works had been completed when according to the customer they have not
- Length of time taken to respond to correspondence/highways applications

Complaints about quality of service provided has seen a significant reduction in comparison with 2019-20. The last reporting period saw 27 however during 2020-21, there have been 9.

Outcomes



Staff professionalism accounted for **20%** of complaints received. This can include a variety of issues, including alleged conduct towards a resident or where it was felt that staff had not been as helpful as they should have been when dealing with a resident's enquiries

49% of Stage 1 complaints were Not Upheld. This is a slight decrease in comparison with 2019-20 which saw 51% of complaints Not Upheld

19% of complaints were found to be Upheld. This is a decrease compared with 2019-21 where 26% of Stage 1 complaints were Upheld



Response Timescales

Services achieved 87% compliance rate in respect of the Councils corporate timescales for responding to Stage 1 complaints. This is a significant increase with 2019-20 achieving 65%

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Overview of Stage 2 Reviews

2020-21 saw a total of 20 Stage 2 Review requests submitted to the Customer Feedback and Complaints Team. Of these, 18 Stage 2 Reviews took place, and two requests were refused.

The chart below provides information on previous reporting period Stage 2 Review request data and outcomes:

	2017-18	2018-19	2019-20	2020-21
Total Number of Stage 2 Review Requests Received	15	36	34	20
Request for Stage 2 Review Granted	87%	78%	79% (27)	90% (18)
Request for Stage 2 Review Refused	13%	22%	21% (7)	10% (2)
Stage 2 Review - Upheld	0%	7%	11% (3)	5.5% (1)
Stage 2 Review - Partially Upheld	9%	32%	19% (5)	17% (3)
Stage 2 Review - Not Upheld	91%	57%	56% (15)	72% (13)

Service	Nature of Complaint	Outcome
County Farms (1)	Service not Provided	Not Upheld
Highways Community Infrastructure (4)	Service not Provided	Not Upheld
	Service not Provided	No Copy of Response
	Service not Provided	Not Upheld
	Service not Provided	Partially Upheld
Highways Inspection (1)	Stage 2 Review Request Refused	
Highways Maintenance (5)	Service not Provided	Not Upheld
	Service not Provided	Not Upheld
	Service not Provided	Not Upheld
	Damage to Property	Not Upheld
	Stage 2 Review Request Refused	
Infrastructure Development & Improvement (1)	Unhappy with Decision	Partially Upheld
Lighting (2)	Unhappy with Decision	Not Upheld
	Unhappy with Decision	Not Upheld
Transport - Connectivity Operations (1)	Unhappy with Decision	Not Upheld
Contact Centre (1)	Staff Professionalism	Upheld



There has been a decrease in the number of Stage 2 Review requests received during 2020-21 of 41% in comparison with the previous reporting year.



Out of the 20 Stage 2 Review requests received, two were refused further escalation. This was because insufficient reason was provided to warrant further investigation of the issues raised.



72% of Stage 2 Reviews concurred with the findings of the Stage 1 complaint and remained Not Upheld. Only 1 Stage 2 Review resulted in a finding of Upheld

Local Government and Social Care Ombudsman

The Ombudsman investigates complaints about the actions taken by or on behalf of a council or authority. The service is independent, free and impartial. The Local Government Act gives the Ombudsman the powers of the High Court to require the production of evidence or witnesses.

The main statutory functions for the Ombudsman are:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)
- to provide advice and guidance on good administrative practice.

When investigating a complaint, the Ombudsman will look at whether there has been evidence of fault by the council and any injustice caused to the complainant. Following this the Ombudsman will recommend a proportionate appropriate and reasonable remedy to the complaint.

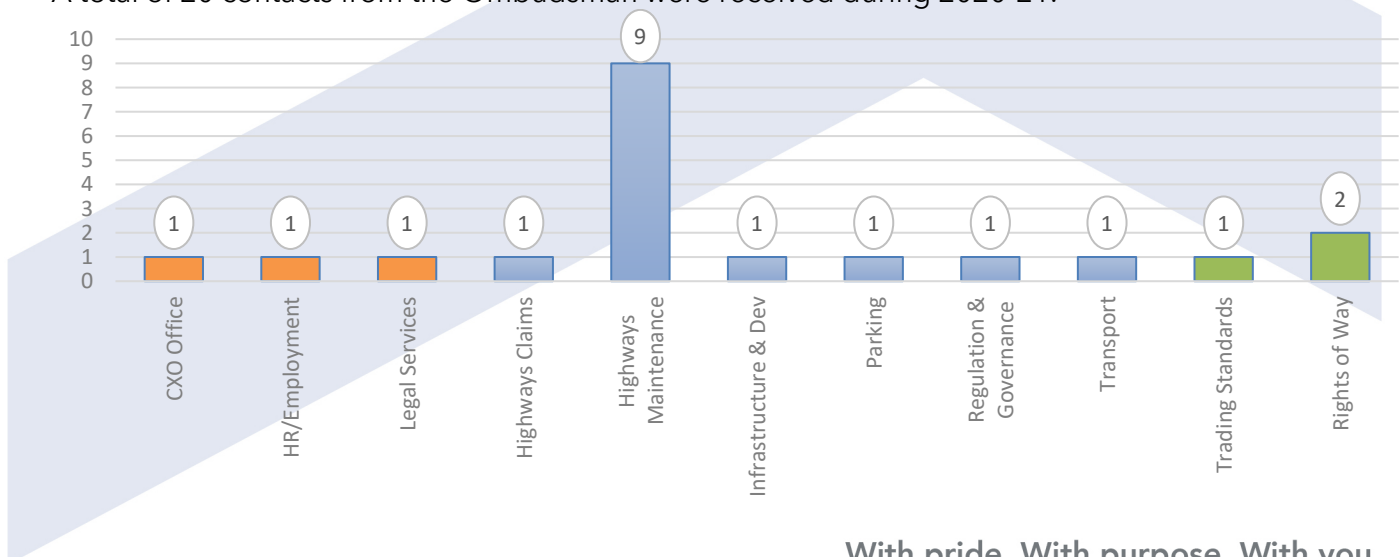
Enquiries - These instances are where the complainant has approached the Ombudsman with their complaint. The Ombudsman will then contact the Council to ask for further information in order to consider whether they will carry out a full investigation into the complaint. Should the Ombudsman decide that they will not carry out a detailed investigation, the complaint will be closed.

Not Investigating - On occasion, the Ombudsman may receive a complaint that it will not investigate. Reasons for this can be as follows:

- Alternative legal remedy
- Insufficient fault of justice
- Complaint referred to the Ombudsman over one year after the incident subject of the complaint occurred
-

Investigation - An investigation will take place if the Ombudsman is of the view that the issues raised meet the tests set out in its Assessment Code. The Council will be advised of the investigation and the Ombudsman will specify what information it requires from the Council in order to investigate the complaint. Once the investigation has been completed, Draft Decision will be issued, and the Council and complainant will be invited to comment on this. The Ombudsman will then issue its Final Decision Statement on the complaint which details its findings and any recommendations that it expects the Council to implement. This can include changes to procedure or practice and financial payment to the complainant.

A total of 20 contacts from the Ombudsman were received during 2020-21.



A copy of the Ombudsman's decisions can be accessed via the links in the below chart.

Service	Outcome
CXO Office	Not Investigating 1 20 001 651 - Local Government and Social Care Ombudsman
Trading Standards	Not Investigating 1 Decision not available on LGSCO website
Highways Claims	Not Investigating – Out of Jurisdiction 1 19 020 786 - Local Government and Social Care Ombudsman
Highways Maintenance	Not Investigating – Out of Jurisdiction 3 20 005 174 - Local Government and Social Care Ombudsman 19 019 355 - Local Government and Social Care Ombudsman 20 011 520 - Local Government and Social Care Ombudsman
	Enquiry 1 20 005 275 - Local Government and Social Care Ombudsman
	Not Investigating 5 19 020 198 - Local Government and Social Care Ombudsman 20 007 334 - Local Government and Social Care Ombudsman 20 003 412 - Local Government and Social Care Ombudsman 20 001 651 - Local Government and Social Care Ombudsman 20 006 715 - Local Government and Social Care Ombudsman
Infrastructure, Dev & Imp	Not Investigating 1 20 003 941 - Local Government and Social Care Ombudsman
Parking Services	Enquiry 1 20 007 051 - Local Government and Social Care Ombudsman
Regulation & Governance	Investigation 1 19 020 303 - Local Government and Social Care Ombudsman
HR/Employment	Not Investigating – Out of Jurisdiction 1 Decision not available on LGSCO website
Legal Services	Not Investigating – Out of Jurisdiction 1 20 009 775 - Local Government and Social Care Ombudsman
Rights of Way	Not Investigating 2 20 012 641 - Local Government and Social Care Ombudsman 20 008 762 - Local Government and Social Care Ombudsman
Connectivity Operations	Investigation 1 20 007 506 - Local Government and Social Care Ombudsman

Not all contacts from the Ombudsman result in an investigation. During 2020-21, only two cases proceeded to a full investigation.

Connectivity Operations:

That the Council unfairly withdrew its vacant seat scheme on home to school transport from September 2020 in response to the Covid-19 pandemic. The complainants believed that this was not justified under government guidance.

Outcome: No fault found

Regulation and Governance:

That the Council failed to consider the Armed Forces Covenant and exercise discretion by refusing to allow the complainant to make a late appeal against a penalty charge notice. The Council also refused to consider the complaint about this.

Outcome: No fault found in respect of consideration of Armed Forces Covenant. Fault found in the way in which the complaint was dealt with.

Recommendation: Apology

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There has been a 40% reduction of in respect of contacts received from the Ombudsman during 2020-21



No recommendations for time and trouble payment or financial redress have been made during 2020-21



The number of complaints referred to the Ombudsman whereby, following assessment of the Council's handling of the complaint, the Ombudsman have concluded that no further investigation is necessary has increased from the last reporting period

Learning from Complaints

All officers investigating and responding to complaints are encouraged to document any identified learning that has arisen from the investigation in order that this information can be used to improve existing practices. Sharing details of the complaint and investigation are also done in team meetings to allow teams to contribute to future service improvements.

It is expected that in all circumstances, complaints are investigated properly and that complainants are treated fairly and with empathy. An apology will often be offered in recognition that the resident will have felt sufficiently aggrieved to contact the council to make a complaint, even in cases whereby the complaint has not been upheld.

Examples of learning during this reporting period are:

Refer details of the complaint to the Delivery Project Team responsible for monitoring performance of routine and reactive maintenance work with a view to reviewing information that is provided in response to reports from the public about highways drainage issues as well as information available during the reporting process.

Current practices and processes in relation to reports about highway trees causing damage to private property are reviewed.

Responses to reports from the public about highway tree issues are reviewed to ensure these are informative and provide advice that is understandable.

Information available online and via the Report It App is enhanced to include detail on how reports cannot typically be responded to via face-to-face or on-site discussions.

Ensure that information already available online for some options in relation to highway trees is provided via all highway tree report options.

A review of the procedure for letters issued to landowners in relation to matters affecting the highway is currently ongoing, but the Council will ensure that the review includes:

- *The contact information provided on letters sent by the Inspection Team*
- *The tone, wording, content and accuracy of letters sent by the Inspection Team*

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That the Delivery Project Team consider:

- *A review of the process involved when repair audits are completed electronically as well as the recorded location information associated with works tasks that is made available to operatives, to reduce the risk of works tasks being closed incorrectly.*
- *Further investigation of the crew reports held in relation to Harwood Avenue to identify any specific training needs with individual/s from the area depot and consider if wider retraining across all operational depots is needed.*

Review the delays associated with your reports being sent to the Inspection team to identify any training needs and improve customer service.

Review the quality of internal communications when redirecting reports to ensure details provided by members of the public are fully considered.

All site plans will be reviewed specifically to identify private land and their boundaries and ensure the relevant information is available for the construction team.

Site correspondence letters will be subject to additional checks for accuracy before they are printed and sent out.

An impact assessment will be carried out by the design and delivery team for future schemes to ensure that the correct level, timing and coverage of communication is being sent out.

The workforce has been re-briefed on working safely in line with the COVID19 constraints.

The team are reviewing the way that phone calls and messages are received into the department, and how to manage this continued increase in workload going forwards. The Transport Team takes complaints of this nature very seriously and is committed to delivering excellent customer service. This year has however seen unprecedented demand for the team, which has meant that we have not been able to meet our usual high standards of customer service.

Officers dealing with traffic related enquiries/reports will be reminded to ensure the correct response status is being selected when responding to reports on the system.

A review of the information available to applicants for a Disabled Persons Parking Bay

Other types of contact

Information is available on the Complaints webpages to signpost residents to the appropriate process for issues that are outside of the Corporate Complaints Procedure. However, residents do continue to use the online form and direct emails to the Customer Feedback and Complaints Team regarding matters that the team is unable to assist with.

Wherever possible, the team will advise the resident where they should direct their enquiry. This can include signposting to alternative contacts within the Council where online reporting facilities exist (highways, parking for example). If the concern is about an issue that is not in the remit of the Council, then the team will find out information from other sources and provide this to the resident so that they can refer the matter to the correct organisation.

Contacts that are not eligible for the Corporate Complaints procedure are recorded under a variety of categories, dependant on the nature of the contact.

Enquiries:

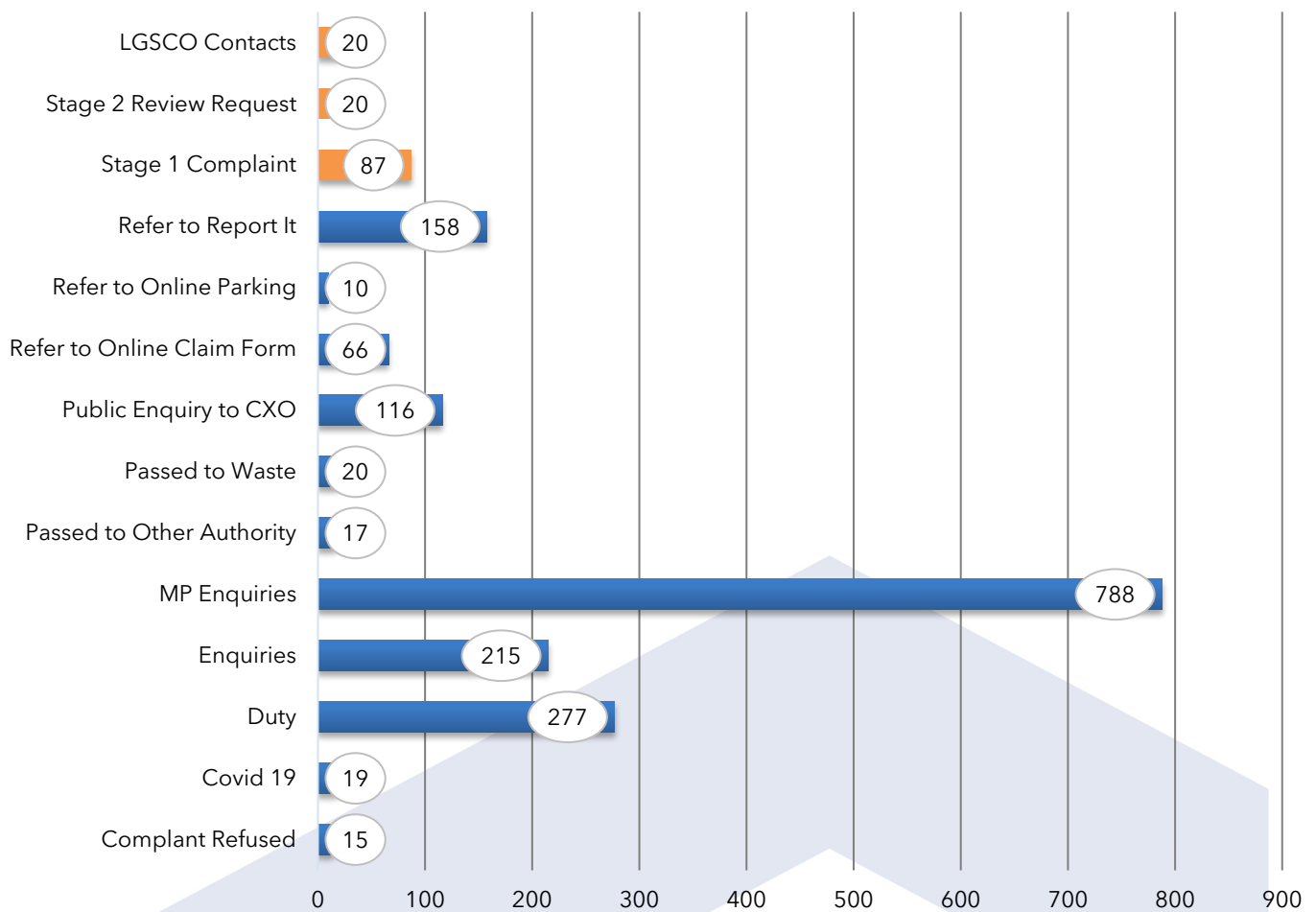
Contacts are recorded as enquiries when the resident is asking a general question or has a query about a Council function that is relatively straightforward. If the Complaints Team can provide the answer, then a

response will be provided by them. Alternatively, if this is not possible, the appropriate service will be asked to contact the resident to arrange a reply.

Duty:

Matters categorised as Duty are complaints that are outside the remit of the Corporate Complaints Procedure and work is undertaken by the Complaints Team to provide a response to the resident. The input by the Complaints Team can include liaising with the service area for background information and continued exchange of correspondence with the resident. Depending on complexity of the issues raised and the actions of the resident, this can take between 1 working day to several weeks of case management to conclude. Duty can often become a more complex matter to close due to it not being underpinned by a specific process.

The chart below details the different types of contacts that are received by the Customer Feedback and Complaints Team.



The Complaints Team are responsible for managing complaint and the MP and Public Enquiry processes. As demonstrated in the chart above, a significant proportion of Corporate matters that come into the Complaints Team are outside of these procedures.

2020-21 has seen a considerable increase in demand in MP enquiries, Duty issues, enquiries, and referrals to Report It.



34% increase in MP Enquiries



23% increase in Duty matters



147% increase in Enquiries



177% increase in referring to Report It

Concluding Comments

The data for 2020-21 indicates that there has been an overall decrease in complaints received that are eligible for investigation under the Corporate Complaints Procedure. Complaint numbers can fluctuate, and it can be difficult to anticipate the volume of complaints that the Council may receive. An increase or decrease does not necessarily indicate that there is a specific area of concern unless the complaints received are about the same issue and the same service area and that these complaints are found to be upheld.

As documented in the report, there has been a substantial increase in Enquiries, Duty and Refer to Report It issues that the Complaints Team have dealt with during the reporting period. Information is set out on the website advising residents how to make first time service requests and seek updates in respect of highways issues. However, in line with data from 2019-20, it can be concluded that whilst several Council services can now be accessed online, residents are using the customer feedback and complaints online form and email address to make contact with the Council.

The number of complaints that have been investigated and responded to under Stage 1 has remained in line with 2020-19. The criteria for a complaint to be addressed formally under the Corporate Complaints Procedure inevitably means that not all complaints received by the Council will be subject this process. The criteria ensures that the Council can focus its resource on formal complaint investigations about issues that have a personal and direct effect on a resident. Dissatisfaction about a general community issue will continue to be excluded from a formal investigation but they will be recorded and passed to the appropriate service for information and consideration.

Providing a quality and timely response to a formal complaint is important and provides reassurance to the resident that their complaint has been taken seriously. Performance in respect of timescales for both stage 1 and Stage 2 complaint has improved with a higher compliance rate than 2019-20.

It is the aim of the Corporate Complaints Procedure to try and resolve a complaint at Stage 1. The reduction in escalation to Stage 2 indicates that complainants are satisfied with the outcome of the investigation at Stage 1. Escalation to Stage 2 is not automatic and a review will not re-investigate the complaint. Its purpose is to provide the complainant with the opportunity to state where they feel that the Stage 1 complaint was not adequately investigated at Stage 1 or whereby relevant evidence was not considered as part of the investigation. A Stage 2 Review will not take place based solely on the complainant's disagreement with the Stage 1 outcome and if insufficient reason is provided by the complainant in the request to escalate to a Stage 2 Review then this will not be granted. During 2020-21, 90% of Stage 2 Review requests were granted however of these, 72% were found to be Not Upheld.

2020-21 has seen a positive outcome in respect of Local Government and Social Care Ombudsman contacts. Of the 20 contacts, only two formal Ombudsman investigations took place. 18 contacts resulted in the Ombudsman concluding that no investigation would take place, re-enforcing the Council's handling of the complaint.

The number of complaints dealt with under the Corporate Complaints Procedure is relatively small in comparison to the number of contacts received by the Complaints Team. However, the Council must still ensure that the formal complaint process is recognised as a key function within the Council and used to identify and resolve any failings in service provision for the resident. Opportunity to learn from the resident's journey must be utilised so that the services we provide can be improved and for measures to be put in place to prevent reoccurring complaints in the future. The information contained within the Learning from Complaints section of this report details specific working practices that have been reviewed because of a complaint that has been made and show that complaints can make a difference.

Complaints Team Priorities - Corporate Complaints

- Review the categories used to record contacts on the database to ensure that they align to Council service structures, are an accurate and up to date reflection of the types of contacts received
- Refresh internal guidance documents for staff handling complaints
- Bring operating procedures for complaints handling in line with the new guidance issued by the Local Government and Social Care Ombudsman
- In view of the increase in Duty, Enquiry and Refer to report It contacts, identify where information can be better presented to residents on the Council's complaints webpages so that the resident can report issues to the Council using the online portal
- Continue to publicise the Corporate Complaints Procedure to staff within the Council