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| **Title of Report:** | **NIPSO Complaints Consultation**  |
| **Committee Report Submitted To:** | **Corporate Policy and Resources Committee** |
| **Date of Meeting:** | **24 August 2021** |
| **For Decision or****For Information** | **For Decision** |

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| **Linkage to Council Strategy (2019-23)** |
| Strategic Theme | Leader and Champion |
| Outcome | Establish key relationships with strategic partners to deliver our vision for this Council area |
| Lead Officer | Democratic & Central Services Manager |

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| **Budgetary Considerations** |
| Cost of Proposal |  |
| Included in Current Year Estimates | **YES/NO** |
| Capital/Revenue |  |
| Code |  |
| Staffing Costs |  |

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| **Screening Requirements** | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. |
| Section 75 Screening | Screening Completed:  | Yes/No | Date: |
| EQIA Required and Completed:  | Yes/No | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | Yes/No | Date:  |
| RNA Required and Completed:  | Yes/No | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed:  | Yes/No | Date: |
| DPIA Required and Completed: | Yes/No | Date: |

1. **Introduction**

1.1 The purpose of this report is to present a draft response to the NIPSO consultation on Complaints Handling. The deadline for responses has been extended to 30th September 2021.

1.2 Further details and the consultation documents can be found at <https://nipso.org.uk/nipso/publications/complaints-handling-consultation/>

1.3 NIPSO is consulting on two documents:

A draft Statement of Principles (SOP) and

A draft Model Complaints Handling Procedure (MCHP).

**2.0 Draft Response to Consultation Document**

2.1 The consultation documents were circulated internally for officers’ consideration and comments. The consultation was also listed on the consultation schedule presented for Members’ consideration at Corporate Policy & Resources Committee on 22nd June 2021 and Council on 3rd August 2021.

2.2 The draft response is attached at Appendix A for Members’ consideration as the Council’s response to the consultation.

**3.0 Recommendation**

3.1 It is recommended that Council submits the response to the NIPSO Complaints Handling consultation as detailed in the consultation questionnaire presented.

**Introduction**

This questionnaire provides an opportunity for organisations and other interested parties to provide feedback on the Northern Ireland Public Services Ombudsman’s (NIPSO’s) proposals for a set of principles and procedures aimed at standardising complaints handling by public bodies.

The questionnaire should be completed by **30 September 2021**.

NIPSO has appointed Opinion Research Services (ORS), an independent social research company, to manage the consultation questionnaire and responses. ORS will produce a report of the findings in which views of individual members of the public responding in a personal capacity will be anonymous. However, where feedback is from representatives of organisations or someone acting in an official capacity, it may be attributed.

**All questions are optional**. Any information provided will be processed by ORS in accordance with the latest Data Protection regulations. Information will only be used to inform this consultation and any information that could identify individuals will be kept for no more than one year after any decisions have been finalised. Please see the [NIPSO Privacy Notice](https://nipso.org.uk/site/wp-content/uploads/2019/08/N6-A4-NIPSO-Privacy-Notice.pdf) and/or www.[ors.org.uk/privacy](http://www.ors.org.uk/privacy) for more information.

**The Statement of Principles**

*The draft Statement of Principles (SOP) consists of six basic principles that NIPSO believe all public bodies should follow when handling a complaint. The full SOP is available [*[*here*](https://nipso.org.uk/site/wp-content/uploads/2021/06/Statement-of-Principles.pdf)*].*

*The six key principles are:*

1. *Start off right*
2. *Fix it early*
3. *Focus on what matters*
4. *Be fair*
5. *Be honest*
6. *Learn and improve.*

*For each of the six principles above, NIPSO has set out what it expects public bodies to do when they receive a complaint. These include: acknowledging mistakes at the earliest opportunity, providing clear reasons for decisions, investigating complaints fairly, and using complaints as an opportunity for improvement.*

1. **Is there anything you would like to see added or changed in terms of the content of the principles? If yes, please indicate which principles and provide details.**

**Response: Agree with the content of the principles which form a sound basis for the approach to complaints handling.**

**Model Complaints Handling Procedure**

*The draft Model Complaints Handling Procedure (MCHP) is designed to: make sure complaints to public bodies are dealt with in a straight-forward and simple way; provide a general complaints handling procedure that all public bodies will broadly follow where complaints are resolved early, and where this is not possible, complaints are thoroughly investigated. The draft MCHP also makes it easier for public bodies to analyse and learn from the complaints they receive. The full draft MCHP is available [*[*here*](https://nipso.org.uk/site/wp-content/uploads/2021/06/Draft-MCHP.pdf)*].*

1. **Please consider each element of the draft MCHP outlined below and comment on any changes or additions.**

**Response: Agree that a Complaint Handling Procedure should contain an agreed definition of what is and what is not a complaint and in particular further definition would be useful in relation to ‘planning’ complaints. It would also be useful for the CHP to provide examples of what is and what is not a complaint.**

A register of all complaints received should be kept by public bodies.

**Response: Agree that a register of complaints should be maintained. Council already maintains a register.**

Complaints should be dealt with in no more than two stages; an initial ‘frontline response’ based on early resolution and a stage 2 ‘investigation’ where early resolution is not possible and a complaint needs to be thoroughly investigated.

**Response: Agree that there should be a two stage approach to complaints handling to make the complaints process quicker and more streamlined. A 3 stage approach elongates the complaints process for everyone and the third stage is a repeat of stage 2.**

Based on experiences in other places, a ‘frontline response’ should be responded to within a maximum of **5 working days**, with the possibility of an extension in exceptional circumstances of up to 5 additional working days.

**Response: Agree but with the caveat that further explanation on what constitutes ‘exceptional circumstances’ would be needed.**

All complaints escalated to stage 2 ‘investigation’ should be acknowledged within **3 working days.**

**Response: 5 working days at most may be more achievable.**

**Response: Note and welcome that the model CHP include a timeframe for complainant to come back between stage 1 and stage 2.**

A full response to stage 2 complaints should be provided as soon as possible but no later than **20 working days** from the time the complaint was received for investigation.

**Response: Agree**

In more complex cases, if it is not possible to meet the 20-day timeframe, a revised timescale should be provided, and an update at least **once every 20 working days** on the progress of the investigation.

Response: Agree

Information about complaints received should be reported and publicised.

**Response: Agree. Consistency required on what statistics are to be reported on and to who e.g. NIPSO, Council. CC&GBC currently reports complaints statistics to APSE as part of Performance Improvement e.g. number of complaints received per 1000, time taken to resolve complaints, % of complaints resolved.**

Public bodies should demonstrate active learning from complaints.

**Response: Agree. Feed complaints resolutions and learning into service improvement registers.**

**Suggested approach to implementation**

*NIPSO feels standardisation is necessary across all public bodies, however it also recognises that circumstances may sometimes differ between sectors. It is therefore expected that detailed discussions will be needed with public bodies* ***within*** *each sector, to decide precisely what their complaints handling procedures should look like.* ***Five distinct sectors*** *have been identified:* ***health and social care****,* ***councils****,* ***government departments****,* ***housing****, and* ***education****.*

1. **NIPSO is proposing to introduce MCHPs for public bodies on a sector by sector basis. Do you consider this is the most effective approach? If not, what would you propose?**

**Response: Agree with the approach.**

1. **NIPSO has yet to decide the first sector(s) it will work with to introduce the MCHPs. Some of the factors being considered in this decision are: the number of complaints received by the sector, size/complexity of the sector, risk attached to public service provision. Do you have any views on this issue?**

**Response: Favour NIPSO to start engagement on the co-development of MCHP for the Local Government/Council sector ASAP.**

1. **Are there any issues or concerns specific to any particular sector or area of work, that you feel NIPSO should take into account when refining MCHPs?**

**Response: Planning complaints, in particular, are complex and many require responses from different departments leading to it taking longer than 20 working days to resolve. Model CHP provides for this in that these can be moved to stage 2 of the CHP with the inbuilt mechanism to extend a complaint resolution deadline where appropriate.**

1. **If you have any further comments on these proposals, or any other suggestions or comments about NIPSO’s SOP, MCHP and/or approach for implementing complaints standards and ensuring compliance with them, please provide details below.**

**Response: Will NIPSO provide training or include in model CHP guidance on dealing with vexatious complaints or provide guidance on an Unacceptable Actions policy?**

**Final profiling section.**

**In what way are you responding to this questionnaire?**

* **Providing a response in some official capacity e.g. *on behalf of* a public body or organisation**
* ~~Providing your own individual response.~~

[If organisation] **Please provide us with the name of the organisation here.**

**Causeway Coast and Glens Borough Council**