



haringey strategic partnership

MEETING: Haringey Strategic Partnership - 11 February 2008

Title: Complaints Handling Protocol

1. Purpose:

1.1 To note details of a special report of the Local Government Ombudsman, Local Partnerships and Citizen Redress, and to agree in principle the establishment of a Complaint Handling Protocol for all services to be delivered by Partnership members.

2. Recommendations:

2.1 That it be agreed in principal that a Complaints Protocol be established for the Partnership.

2.2 That its development is delegated to the HSP Performance Management Group.

3.1 That the good governance aspects of the special report be noted.

Lead Officer:

Sharon Kemp, Assistant Chief Executive –Policy, Performance, Partnerships and Communications

4. Background

4.1 The Local Government Ombudsmen have issued a special report: *Local partnerships and citizen redress* (referred to as ‘the LGO report’ in the remainder of this report). They have asked authorities to review their governance and complaint handling arrangements in the light of the guidance the report contains. The summary, recommendations and conclusion of the report are set out at appendix A. The full report is on the Ombudsman website at <http://www.lgo.org.uk/pdf/partnerships-sr.pdf>

4.2 The LGO report has wide ranging implications for the council and all partners. The report specifically mentions:

- LSPs
- LAAs
- Health and social care trusts
- ALMOs
- Children’s trusts
- Education partnerships
- Highways partnerships

- Housing associations
- Leisure trusts
- Regeneration partnerships

Drawing up a complaints protocol

- 4.3 The LGO report recommends the drawing up of a complaints protocol that is integrated within the overall governance arrangements of the local partnership to prevent it becoming ineffective in practice, and considers that local authorities need robust internal arrangements.
- 4.4 The LGO report's recommendations in terms of a complaints protocol are at pages 6 to 8 in the appendix to this report and include the need for:
- clarity regarding different parts of the work that will be carried out
 - a clear statement as to who is responsible for handling complaints and providing redress
 - effective communication with service users so that they understand what to do if something goes wrong
 - a strong commitment to learning from complaints to improve services

Good governance arrangements

- 4.5 The LGO report's recommendations for good governance within local partnerships and local authorities are at page 8 in the appendix to this report. They include the following principles for partnerships:
- A clear statement of the partnership's principles and objectives
 - Clarity regarding each partner's role and responsibility within the partnership
 - A protocol for dispute resolution within the partnership

5 Current complaints arrangements

- 5.1 All major partners have established complaints procedures. All organisations funding others to provide services must have the proper governance and complaints procedures in place to receive the funding, although we are not in a position to confirm that this is the case at present.
- 5.2 In the field of health and social care, discussions are progressing towards the implementation of joint statutory arrangements in 2009.
- 5.3 A complaints protocol is needed to ensure that there is clarity of procedure where a complaint involves a service delivered through a partnership. In Particular, there needs to be clear information on responsibilities and processes for handling complaints from the public.

6 Developing a complaints protocol

- 6.1 Complaints about services delivered by one partner should be dealt with by that organisation, but consideration needs to be given to how we handle complaints about joint delivery issues.

6.2 The protocol should include:

- recognising and defining roles and responsibilities in joint commissioning
- agreeing clear delivery statements for projects

- considering delegation of complaint handling and/or joint investigation in appropriate circumstances, and
- procedures for dispute resolution
- ensuring provision of effective complaints arrangements for all partners who deliver services on behalf of the Council

6.3 The protocol should provide:

- Recognition of the rights of complainants to register their concerns
- Support for complainants in establishing a mechanism for resolution where arrangements are complex
- Consistent guidance on different aspects of redress, and
- Arrangements for training and guidance of staff

6.4 Organisations within the HSP should ensure that protocols are put in place for any shared service delivery arrangements with other authorities.

6.5 It is proposed to draw together appropriate representatives from within the HSP to develop a draft complaints protocol under the guidance of the PMG. An agreed draft will then be submitted to the HSP for approval.

7 Involvement with partners

7.1 If it is agreed in principle to develop a protocol, there will need to be full consultation with all partners to ensure that the protocol is comprehensive, effective, and owned by all partners.

8 Strategic Implications

8.1 The LGO's report highlights the problems involved in handling complaints where there is a partnership of service providers, and suggests how governance and processes can be improved to make things easier for service users.

9 Financial Implications

9.1 There are no specific financial implications in implementing the LGO report's best practice recommendations. All complaints have to be dealt with and all partners would wish to resolve them promptly and efficiently as a key part of customer service. There may be some cost savings in establishing clearly prescribed best practice arrangements.

10 Legal implications

8.1 The section of the Ombudsman's report on '*The legal status of LSPs*' is set out below.

"Government guidance describes LSPs as 'non-statutory and non-executive'. They are not, for the most part, corporate bodies, although a handful are organised as companies limited by guarantee. It follows that the cohesion of LSPs, and their governance arrangements, have to be reflected in partnership agreements or other protocols.

“As unincorporated bodies, each partner in an LSP is ‘equal’ to any other, and each partner remains responsible and accountable for decisions regarding their own resources and services. The Local Government and Public Involvement in Health Bill includes a duty to co-operate which puts on a statutory basis the need for listed public sector partners to work with local authorities. But the Government does not intend to convert LSPs into new statutory entities.

“Local authorities have no statutory powers to delegate the discharge of their functions to LSPs.”

11 Equalities implications

9.1 All service users must be enabled to provide feedback about the services they use, whatever their age, disability, ethnicity, gender, language, religion/belief/faith, or sexual orientation. Care must be taken to ensure that feedback is used to identify and eliminate discriminatory practice and to promote equality of access to service provision

12 Conclusion

10.1 In the light of the Ombudsmen’s best practice recommendations, it is proposed in principle that a complaints protocol be established for the partnership, and that its development be delegated to the Performance Management Group.

13 Use of Appendices

11.1 The following appendix is attached:

Appendix A: Local Government Ombudsmen special report: *Local partnerships and citizen redress*: Foreword, Summary and recommendations, and Conclusion

**Appendix A: Local Government Ombudsmen special report:
Local partnerships and citizen redress:
Foreword, Summary and recommendations, and Conclusion**

Foreword

Increasingly, services at the local level are delivered through a partnership of providers. But where does responsibility lie when something goes wrong?

This report highlights the problems that are involved in handling complaints, where there is a partnership of service providers.

This is an issue that needs to be addressed urgently. There has been a rapid growth in the number of services that are delivered through partnerships. And with the forthcoming Local Government Bill, this number is likely to increase still further.

The evidence that we draw on in this report includes complaints that have been made to us concerning local services, and also the views of over 100 councils that we have visited in the course of our work.

The report includes a number of case studies, mostly concerning complaints that have arisen just in the last few years – this itself illustrates the growing importance of this issue. The case studies are intended to show the problems of accountability that can occur among partner organisations.

As Local Government Ombudsmen, this issue is of particular concern to us. People turn to us when they are dissatisfied with local services. In this report we suggest how governance and processes can be improved, to help local authorities improve their services, and to make things easier for service users.

Our focus in this report is on the needs of complainants. When there is a problem, people need to understand how to complain, and who to complain to. Complainants want one point of reference, they want their complaint resolved, and they want it resolved quickly.

This report is a statement of the Local Government Ombudsmen's position on these issues. We hope that it will be used as guidance on good practice by local authorities and that they will review their governance and complaint handling arrangements in the light of what we say. But our aim is not to be over-prescriptive – it is up to local authorities to decide exactly how they might act on our recommendations.

Our report takes its place alongside others on partnerships and governance, especially those from the Audit Commission, CIPFA/SOLACE, and the Independent Commission on Good Governance in Public Services.¹ We hope that our report will contribute to the ongoing debate on this subject. As well as local authorities, the voluntary sector, Government, and other regulators and other partners, this report is aimed partly at complainants themselves, who we hope will ultimately benefit from it. Between us, we can make it easier for service users to gain redress when things go wrong.

¹

Tony Redmond

Jerry White

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Local Government Ombudsmen

Summary and recommendations

Summary

The single most dramatic shift in the delivery of local public services has been the gathering momentum towards 'partnership working', meaning all manner of 'joined up' or collaborative working between local authorities and other public sector bodies, the private sector and the third sector. Individuals can encounter difficulties when seeking redress for grievances concerning services delivered through a partnership. But these problems can be overcome by adopting good governance arrangements, including effective complaints protocols. The rights of citizens and service users to access complaints systems and to obtain redress should not be diminished as a result of shared responsibility for the delivery of services.

In our own investigations, we have frequently come across:

- a lack of information about how to register a complaint at the outset;
- confusion among staff and public about responsibilities and process; and
- a lack of any formalised process for handling complaints from the public (as distinct from disputes between the partners).

Complaint handling and redress need to be central in the governance of partnerships. Local authorities need to establish rigorous, transparent and accessible complaint-handling arrangements in the partnership settings in which they are involved.

We are working with the Parliamentary and Health Service Ombudsman to improve our own working arrangements when handling complaints that bridge our separate jurisdictions. A Regulatory Reform Order, due to come into force on 1 August 2007, will also lift current limitations on our ability to carry out joint investigations and issue joint reports.

Finally, the Government is proposing to amend our primary legislation to remove any doubts about the limits of our jurisdiction, and our ability to investigate complaints where the local authority makes arrangements for the exercise of its functions by someone else.

Recommendations

Drawing up a complaints protocol

We recommend the following points of good practice in drawing up a complaints protocol within a local partnership. Our recommendations should not lead to an overly bureaucratic approach being taken – their implementation should be

reasonable and proportionate, taking into account the wide variations in scale, structure and objectives that exist between partnerships.

Our 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 a strong commitment to learning from complaints, so that services may be improved.

Setting up the complaints process

- (a) Consider the views of service users and potential users, where practicable, and of other relevant stakeholders such as advisory bodies, when drawing up or reviewing the protocol.
- (b) Ensure that the complaints process is clear and accessible to all groups in the community, and is consistent with the principles set out in the Local Government Ombudsmen's guidance on running a complaint system and on remedies.
- (c) Communicate effectively through leaflets and other publications and media, so as to increase public awareness of the complaints procedure. Where people also have the right to access a statutory complaints procedure, this should be made clear at the outset.

Supporting the complainant

- (d) Consider providing the option of conciliation or mediation to bring about early resolution where practicable.
- (e) Provide access to local sources of independent advocacy and advice.
- (f) Ensure that complainants are kept informed of the progress of their complaint, the stage at which it is being considered, and the applicable timescales.

Defining responsibilities

- (g) Define the partnership's responsibility for handling complaints or, if appropriate, which body the complainant needs to contact when the responsibility lies elsewhere (e.g. with the local authority). Leadership by senior managers, or others responsible for decision making, is vital. They should be supported by systems that ensure that lessons can be learned from complaints, with the aim of improving services.
- (h) If the initial consideration of the complaint lies with the partner(s) immediately involved with the provision of the service, consider what review mechanism is appropriate.
- (j) Where a complaint is about the actions of a partnership (or other) body exercising a discrete function of a local authority, consider the need for the authority (if not already involved) to investigate the matter through its own staff.

Monitoring and review

- (k) Where a local authority exercises a function through any other body, ensure that the arrangements provide for effective monitoring and review of complaints

handled by that body, including a requirement to provide the authority with such access to evidence as it may request. Any review should identify learning points arising from complaint outcomes.

Redress

- (l) Where a local authority exercises a function through another body, ensure that the arrangements provide for effective redress by that body (if the authority does not retain this responsibility). These arrangements should also cover responsibility for redress where the authority agrees to an Ombudsman recommendation. Redress may include an apology, financial compensation, staff guidance, procedural changes or service improvements.

Training

- (m) Train any staff dealing with complaints, so that they understand the agreed procedures and have the right skills to resolve problems quickly, and so that investigations of complaints are rigorous and evidence-based, with clear, well-explained decisions.

Complaints protocols and governance arrangements

Complaints protocols need to be integrated within the overall governance arrangements of the local partnership; failure to do so could result in a protocol becoming ineffective in practice. Equally, local authorities need robust internal arrangements. We recommend the following principles of good governance, which apply within local partnerships and within local authorities.

(a) Principles of good governance within local partnerships

- A clear statement of the partnership's principles and objectives.
- Clarity regarding each partner's role and responsibility within the partnership.
- Definition of the roles of partnership board members.
- Adequate specification of line management responsibilities for staff who support the partnership.
- A statement of funding sources for joint projects and clear accountability for proper financial administration.
- A protocol for dispute resolution within the partnership.

(b) Principles of good governance within local authorities

- Coherent standards and principles governing the way in which the council, its members and officers operate within a partnership setting.
- A clear, consistent and comprehensive governance code relating to partnership working, closely linked to or forming part of the council's constitution.
- A specification of the key factors and considerations to be addressed in the design of any partnership governance arrangements in which the council takes part.
- Arrangements to ensure that an agreement, contract or protocol is in place for every partnership to which the council belongs.
- Arrangements for regular review and scrutiny of partnership governance and activity.

Conclusion

How citizens' complaints are handled in relation to partnership working, and how they receive redress for justified grievances, are key issues for local government generally, and not just for us. Having now published our recommendations, we shall be applying these to our consideration of future complaints from the public. But we also propose to work together with other interested parties to widen the debate around these issues.

What are the practical obstacles to full implementation of our recommendations, and how can they be overcome? How can examples of good practice be identified and shared? These are some of the issues on which we would welcome a continuing dialogue with all interested parties, including those who represent and advise complainants.

Any comments may be emailed to us at partnerships@lgo.org.uk or marked 'Partnerships' and sent to:

The Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London SW1P 4QP

Final note

We do not suggest that adopting our recommendations will solve all the problems of handling complaints and redress within local partnerships. But we do believe that doing so should help to achieve two important goals.

First, it should help to provide speedier, more effective and fairer responses to citizens' concerns about the impact of partnership working on the quality of their lives. We believe that making progress on these issues is key to gaining and retaining public trust and confidence in partnership approaches to service delivery.

Secondly, it should help to prevent any dilution of citizens' rights arising from local authorities seeking to deliver services through collaborative working relationships with their local partners. The Government's plans to expand these methods of service delivery within local communities and neighbourhoods makes this goal not just important but urgent. Good administration demands that service users and complainants can hold their local authority to account for the exercise of its statutory functions (including, ultimately, by complaining to an ombudsman) regardless of whether the service they receive is delivered directly or in partnership.

Together, we can make it easier for service users to gain redress when things go wrong.
