

TITLE OF REPORT: REVIEW OF THE COMMENTS, COMPLIMENTS AND COMPLAINTS POLICY AND THE CUSTOMER FIRST STANDARDS

REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES

PORTFOLIO HOLDERS: COUNCILLORS BERNARD LOVEWELL AND DAVID LEVETT

1. SUMMARY

- 1.1 The purpose of this report is to seek agreement to changes to the Customer First and Complaints, Compliment & Comments (3Cs) Policies and to note that a broader review of both policies will be undertaken.
- 1.2 The specific changes to existing policies entail the amendment to the 'Handling Difficult Customers' element of the Customer First Statement and the strengthening arrangements for handling Unreasonable Complainant Behaviour under the 3Cs policy. Both amendments are being proposed to deal with exceptional circumstances based on operational experience.
- 1.3 The broader review of the 3Cs and Customer First Standards is being undertaken to ensure they reflect: current customer expectations, financial constraints, operational experience and the efficient utilisation of officer resources. It is anticipated that the outcome of the review and any resultant policy changes that may be recommended will be reported to Cabinet in the Autumn.

2. RECOMMENDATIONS

- 2.1 That Cabinet agree the amendments to the Handling Difficult Customers policy and arrangements for handling unreasonable complainant behaviour.
- 2.2. That Cabinet note the intention to conduct a broader review of the Customer First and 3Cs policies and that any policy changes that may be recommended as a result will be brought to Cabinet in the Autumn of 2013.

3. REASONS FOR RECOMMENDATIONS

- 3.1 This course of action is recommended to ensure that both policies are capable of dealing with the exceptional circumstances in which customer behaviour is unreasonable either by way of their behaviour or use of the complaints procedure. The recommendation is consistent with the requirements of the Local Government Ombudsman, the need to safeguard the safety and welfare of staff and to achieve best value for compliance and the wider public.
- 3.2 The broader review of the 3Cs and the Customer First Standards will make recommendations to ensure the standards adopted by the Council represent an efficient use of resources during a period of financial constraint and a likely increase in customer demand as a result of changes to welfare and benefit payments.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The option to retain existing standards was discounted as this would fail to address the disruptive effect of a small number of complainants and examples of unreasonable behaviour by a small minority of customers.
- 4.2 As the recommendation in this report suggests a broader review of policies a full review of the options available will be undertaken as part of this process.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 Consultation has been carried out with the NHDC Senior Management Team and relevant Portfolio holders.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The Council has a policy with robust procedures in place for capturing and managing Customer Comments, Compliments and Complaints (3Cs). The 3Cs policy was launched in 2004 and the procedures have been fully embedded throughout the Council and have previously been accredited to the BSI standard ISO 10002:2004BSI.
- 7.2 The Council has an established set of customer care standards which sets out how contact with our customers should be delivered across the Council. These standards are known as 'Customer First Standards' and they detail what customers can expect from the Council when they choose to contact us by telephone, face to face or in writing. The standards were developed when the Customer Service Centre (CSC) was first launched in 2006 and are attached as Appendix A.
- 7.3 In conjunction with the 3Cs Policy and the Customer First Standards the Council has a protocol for managing situations when on a rare occasion a customer's behaviour may become unacceptable, called 'Handling Difficult Customers' which was last updated in 2005. This protocol is currently split into two parts, a procedure for dealing with customer conflict and a definition of habitual, persistent and aggressive customers. These are attached as Appendices B and C.
- 7.4 This report sets out the proposed amendments to the 'Handling Difficult Customers' policy and includes an element to cover the management of unreasonable complainant behaviour which are attached as Appendix D. These proposals link to the Priority of Living within Our Means to Deliver Cost Effective Services.

8. ISSUES

8.1 Customer First Standards

Increased financial pressure on the Council to reduce costs and make significant budget efficiencies requires us to review the standards we currently have in place for managing our customer contact to align with current corporate priorities, service plans and operational procedures.

- 8.2 This is being carried out in a number of ways including Value For Money reviews, business process improvement work and realigning work between service areas to achieve economies of scale whilst improving the customer experience.
- 8.3 Additionally we recognise that customer expectations have changed over the years as customers have become more accustomed to contacting organisations through centralised contact centres and greater value is placed on the quality of response rather than the speed, which led to a change to the standards for the telephone speed of answer target for the Customer Service Centre previously agreed by Cabinet in December. Specifically, further amendments to the face to face targets will be considered and brought to Cabinet in due course.

Handling Difficult Customers

- 8.4 The majority of contact we have with our customers is positive, however very rarely we have interactions with customers where a customer's behaviour becomes unreasonable and puts the physical and emotional safety of customers, visitors and council employees at risk.
- 8.5 With significant changes introduced by Government such as the reforms to the welfare system and increased financial pressure we may see an increase in unacceptable customer behaviour, therefore we need to update our procedures to reflect how we intend to manage those exceptional circumstances.
- 8.6 The existing procedure does not set out clearly for staff and customers what the expectations are in terms of behaviour and what action will be taken in cases of unacceptable behaviour.
- 8.7 The proposed changes to this policy are intended to provide a clear process for those involved in the management of such situations and to ensure a transparent, proportionate and consistent approach to dealing with such situations.
- 8.8 The instances of unacceptable customer behaviour are very rare and therefore it is expected that the policy and procedures will only be used in very exceptional circumstances.

Unreasonable Complainants Behaviour

- 8.9 We are obliged to ensure that we can achieve the best value for complainants and the wider public and that public money is spent wisely. In some exceptional cases the nature or frequency of complainants jeopardise this.
- 8.10 The amount of time spent on the few cases of unreasonable complainant behaviour is disproportionate and places heavy demands on resources which in turn can hinder our ability to effectively consider their or others complaints.
- 8.11 The LGO updated guidance on the management of unreasonable complainant behaviour in January 2011, therefore in order to reflect best practice industry guidance the opportunity should be taken to align NHDC policy and procedures with those of the LGO. The LGO Policy on the management of unreasonable complainant behaviour is attached as Appendix E.

- 8.12 It is important to note that we differentiate between persistent complainants and unreasonably persistent complainants. The LGO states that approximately 26% of complaints they investigate are justified, concluding that this level of persistence is often justified.
- 8.13 Whilst the number of unreasonable complainants is low the amount of time spent dealing with these cases can be disproportionately high and does not represent best value for complainants and the wider public.
- 8.14 Examples

Example 1: Customer X has submitted fourteen separate hand written complaints within a twelve month period, for which it can be estimated that each complaint takes one hour of officer time for logging the complaint, acknowledging and responding plus the time taken to investigate each complaint which will vary depending on the complexity. Of those fourteen complaints, none were upheld as justified complaints.

Example 2 : Customer Y has a long standing grievance with the Council following an initial complaint made a number of years ago, and there have been a number of further related complaints coupled with numerous contacts, received via a range of channels and officers. More recently the communication has been channelled through one specific officer who has needed to take notes of every discussion for future reference. There have been over 30 contacts through this one officer in a seven month period, each of which is estimated to take one hour of officer time.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference for Cabinet include “to prepare and agree to implement policies and strategies other than those reserved to Council”
- 9.2 There is no legal requirement to operate a complaints system, however the consequences of failing to address a complaint through the 3Cs procedure could be significant. Best practice suggests that complaints dealt with at an early stage reduce escalation, potentially avoiding a legal claim.

10. FINANCIAL IMPLICATIONS

- 10.1 This report recommends cost effective and proportionate approaches to these policies, acknowledging the increased financial pressure to seek efficiencies.

11. RISK IMPLICATIONS

- 11.1 The Council ensures it provides an appropriate level of response to customer contact. There are however occasions where due to the unreasonable behaviour of a customer the well being of other customers, visitors and employees is put at risk. The policy in Appendix D demonstrates the steps the Council will take to reduce this risk.
- 11.2 Unreasonably persistent complainants do take a disproportionate amount of time to deal with and the policy in Appendix D enables the Council to ensure it provides an appropriate response whilst ensuring the delivery of value for money services for all.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The proposals as made within this report do not preclude, nor are they intended to, any customer making appropriate comments, compliments or complaints as necessary or as they wish, but what it does seek to do is to redress the balance where a disproportionate amount of officer time is given to reviewing complaints or comments repeatedly for a single customer and which are ultimately not upheld.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section above.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The Council has well established and effective training events to ensure that staff receive behavioural and procedural training specifically for the requirements of the 3Cs procedure.

15. APPENDICES

- 15.1 Appendix A – Customer First Standards.
- 15.2 Appendix B – Handling Difficult Customers.
- 15.3 Appendix C – Definition of habitual, persistent and aggressive customers.
- 15.4 Appendix D – Revised Policy and Procedure for dealing with Unacceptable customer behaviour and unreasonable complainant behaviour, including Policy statements.
- 15.5 Appendix E – LGO Policy on the management of unreasonable complainant behaviour.

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- 17. BACKGROUND PAPERS**
- 17.1 Local Government Ombudsman Guidance note on management of unreasonable complainant behaviour – Revised January 2011.