



Protocol for Member Enquiries

Co-ordinating O&S Committee, 8th November

1 Purpose

1.1 On 9th July 2019, Full Council passed the following motion:

This Council recognises that it is now over 25 years since the protocol regarding officers' responses and replies to members' enquiries was established.

Since then the communications world has radically changed, the majority of complaints and enquiries to Councillors are via email.

This Council therefore agrees to establish a task and finish working party through the Co-ordinating Overview and Scrutiny that would create a new protocol for responses to members' enquiries.

This protocol should guarantee:

- *the prompt provision of acknowledgements to Councillors' enquiries by officers; and*
- *the provision of a substantive response to the enquiry within a fixed and agreed timescale, based on the issue raised; and*
- *A system of chasing up Councillor enquiries that are not responded to within the target period.*

1.2 It was subsequently agreed that the Co-ordinating O&S Committee would address this as part of its inquiry on customer services, and the terms of reference was amended to add "to investigate how members' enquiries are responded to with a view to proposing a new protocol for responses to members' enquiries".

1.3 This paper sets out the context and areas for discussion in relation to this work, to agree what further evidence gathering is needed in order to make recommendations.

2 Context

2.1 The protocol referred to in the motion was introduced when Cllr Theresa Stewart was Leader of the Council (1993-1999). Since then a number of changes have been seen in how members make enquiries and how these are responded to. Most notably, Members are encouraged to use the BCC Enquiries inbox, introduced in January 2016 to manage and respond to enquiries from members in a more efficient way. Staffed by officers in the contact centre, the team work with the relevant service areas to manage enquiries. There is therefore no single point of failure if someone is on leave or absent for any reason and a timely response is ensured; however, the team are heavily reliant on operational service areas to provide an update and as a result, there are times when a



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response could be delayed. It does allow the tracking and monitoring of issues raised, although some departments respond directly to the member.

- 2.2 The team aim to respond to queries in two working days; if a detailed response and resolution cannot be provided in that time, then a holding response, with reference details will be sent. Whilst requests and responses are monitored currently, the team will move to automate monitoring and will then be able to report in a more robust way.
- 2.3 Whilst all Members are encouraged to use the BCC enquiries line to report issues, many still go directly to service officers in departments, or to Directors. There is no specific corporate process for handing these enquiries, but most directorates use or adapt the Corporate Comments, Complaints and Compliments procedure (known as Your Views) that has operated for citizen complaints and comments since October 2004. A summary of the procedure is set out in Appendix 1.
- 2.4 There are some variations; some mandated by law (for example, there is a separate statutory Adults complaint process in respect of a service provided by or commissioned by the Adult Social Care directorate) or by local variation (for example within the Revenues and Benefits team, there is an expectation that response are completed within 10 working days, although the Corporate guideline is 15 working days).
- 2.5 For these enquiries, as was reported to the Committee in September, “there is no management information, visibility or oversight as to how the issues are responded to which prevents root cause analysis being understood and monitored”.¹
- 2.6 A comprehensive review of current complaints process and channels (seven in total) has been commissioned, which will include seeking feedback through a variety of workshops with employees, members and customers.

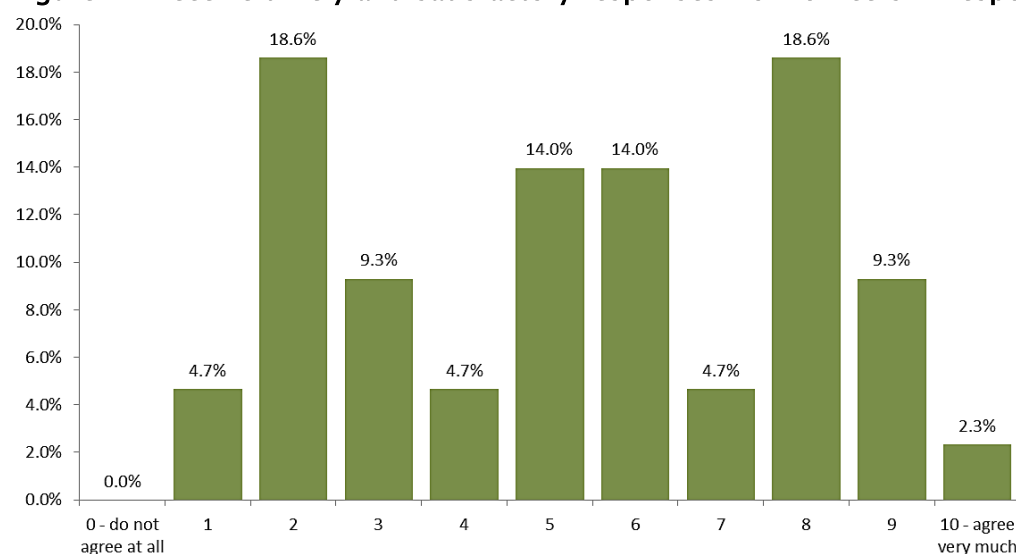
Member Views

- 2.7 In December 2018, a survey of all Birmingham City Councillors was undertaken, to support work to better understand the experiences of elected members at the City Council and identify areas for support and improvement. In total, 44 councillors responded to the survey, an overall 43.6% response rate.
- 2.8 The question asked that is most relevant to this inquiry was in relation to whether they received “timely and satisfactory responses from officers in response to queries I make”.
- 2.9 There were mixed reviews on this question: nearly half of those who responded (48.8%) had some level of agreement, though only 11.6% strongly agreed. Over a third (37.3%) did not agree with the statement. Just over a quarter (28%) were neutral on this question.

¹ Customer Services Report to Co-ordinating O&S Committee, 6th September 2019



Figure 1: I receive timely and satisfactory responses from officers in response to queries I make



2.10 Other relevant questions asked in the survey included:

- 93% of the councillors who responded agreed that they are “treated with courtesy and respect by officers”. A small percentage (2.3%) did not agree at all and 4.7% neither agreed nor disagreed;
- A majority of the councillors who responded agreed that they had “an effective relationship with officers” (76.7%). 14% of the councillors did not agree.

What do Other Local Authorities Do?

2.11 Looking at how other local authorities manage member enquiries², a number of themes emerged:

- There is no formal definition of a Member enquiry. In practice, these are enquiries by an elected Member of the Council for information from a council department or a request for action. This includes requests for general policy and performance information, ward casework enquiries and reporting of faults or service failure;
- Just under half of those who responded did not have a protocol for members’ enquiries and did not have a member enquiries team. These councils did not have a timescale for responses;
- Just over half of the council did have a members’ enquiries team where they handled, monitored and tracked responses to members. Two councils had just agreed a protocol for handling enquiries.
- Where a timescale for responses was set, these ranged between 5 and 20 working days.

² An email request was sent via scrutiny and customer services user groups asking if about members’ enquiries, in particular whether a protocol was in place and whether there was a team dedicated to member enquiries. 16 responses were received.



3 The Inquiry – Next Steps

- 3.1 The Committee has been asked to investigate how members' enquiries are responded to "with a view to proposing a new protocol for responses to members' enquiries".
- 3.2 The Committee will therefore need to consider what further evidence is needed to put forward recommendations for a protocol, perhaps including:
- Available data from BCC enquiries and directorates;
 - Views of members.
- 3.3 Questions to consider before agreeing recommendations include:
- Should all enquiries be encouraged through BCC enquiries, or should it be accepted that members will continue to choose to use other directorates? In which case:
 - Should there be guidance for how these are managed across directorates?
 - Should there be a corporate standard (in procedure and in timescales, a protocol to define the way in which Member enquiries are placed, administered and logged) or should variations between query type be considered? That variation could be by content or by type (e.g. case work query, information request, policy question etc)?
 - If there should be a corporate standard for timescales, what should that be?
 - How should responses be monitored and performance managed? How should learning from member queries be collated and used in the organisation?
 - Should there be an escalation mechanism?
 - Are there certain types of information should be contained within a detailed response – e.g. all information requested, an explanation as to why the incident happened/ information requested is not available and actions arising from an enquiry.
- 3.4 Committee members are asked to agree what further information is required for this work.

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Customer Guide – Your Views' Procedure

Why do we need this procedure?

- **Comments** give us ideas about improving our services and providing value for money.
- **Compliments** let us know when we are doing things well. It's good for staff to know that people appreciate their work. It also enables us to identify areas of best practice and share them with other teams.
- **Complaints** tell us when people are unhappy with a service. It gives us the opportunity to put things right and where necessary change the way we work to improve services.

We need to ensure that we are consistent in the way we deal with and respond to comments, compliments and complaints.

We will:

- make it easy for people to make a comment, compliment or complaint;
- help everyone to make their voices heard;
- listen carefully and consider all comments, compliments and complaints;
- carry out investigations fairly;
- deal with complaints as quickly and effectively as we can;
- make sure people are satisfied with the way we handled their contact with us;
- help improve our relationship with our customers; and
- help improve people's opinion of our customer service.

How can you make a comment, compliment or complaint?

The best way to make a comment, compliment or complaint is by completing the online form. If you do not have an online account you can sign up for one. You will be given a reference number immediately and if you have an on line account you can track it. You can also use your account to request other services e.g. book a bulky waste collection, report a missed bin collection. If you prefer to contact us by telephone on 0121 464 9995, an officer will take the details of your complaint and give you a reference number.

We aim to provide the following.

- **A consistent procedure** - We want to ensure our customers have a fair, consistent and structured process for dealing with any problems with our services.

- **A positive and informative procedure** - We want to use the outcome of complaints as a positive way of monitoring our performance and improving our services.
- **A quality procedure** - We want the procedure to:
 - ✓ improve the quality of the service we provide;
 - ✓ improve our relations with customers; and
 - ✓ encourage best practice by our employees.
 - ✓ value diversity.

We recognise and value everyone who lives, works or visits Birmingham. We aim to ensure that everyone can use the Your Views procedure.

Comments

We are always looking for ways to improve our services and you may have ideas how we can do this. A comment is a suggestion, idea or observation about an area of our service.

If we receive a comment we will;

- acknowledge it;
- consider how we can use your comment to improve the way we deliver our services in the future;
- respond to your comment within 20 working days telling you:
 - what action we have taken as a result of your comment;
 - explain if any service changes have resulted from your comment.

Compliments

If we do something well, we would like to know. So if you would like to praise an individual, team or service, please tell us. When you make a compliment we will:

- acknowledge it;
- consider how we can use the compliment to improve the way we deliver our services in the future.

If appropriate, we will respond to you within 20 days to tell you the action we have taken.

Complaint

We know we don't always get things right. When this happens we want to have the chance to put things right. We are committed to finding ways of improving the services we provide. This does not mean that we can always change a decision, even if you disagree with it, as we have to work within the law.

This procedure explains what to do if you are unhappy with any of the services we provide. It explains the timescales for dealing with complaints and who you should contact if you are still not satisfied with our response.

What is a complaint?

A complaint is an expression of dissatisfaction. It can be about the standard of a service we have provided, or actions we have, or have not taken, which affect someone using our services.

Exceptions

- There are some things which this complaints procedure may not be used for. The following are the main exceptions.
- Organisations that receive funding from Birmingham City Council cannot complain about their funding or associated matters. The procedure they should use will be given in contract documents or agreements.
- Employees cannot use this procedure to complain about terms and conditions of payment. They should follow the grievance procedure.
- Councillors should not use this procedure unless they are complaining as a private citizen, or acting in the role of advocate, representing the interests of someone else.
- In special cases which are covered by legal limitations such as:
 - an appeal against a decision to refuse planning permission;
 - an appeal against a school admission or exclusion decision;
 - complaints where legal proceedings have already begun;
 - complaints covered by our insurance procedures;
 - a complaint that has already been settled in another way, for example by the courts, a tribunal, the Ombudsman or the Data Protection Commissioner, or if there is a more appropriate procedure for settling the problem;
 - complaints that are being investigated under legal procedures for children and families;
 - appeals against parking and traffic offences; or complaints against a decision to refuse a disabled parking badge.

Advocacy- getting someone else to complain on your behalf.

You can ask someone to help you make your complaint. This person is known as an advocate. You need to give your written authority for them to act on your behalf and we need to receive it before we can respond to them about your complaint. If we do not have this we will respond directly to you.

Anonymous complaints

We will accept anonymous complaints, however we cannot respond to them. These complaints will be recorded and investigated as far as possible.

Offensive complaints

A complaint may be considered offensive if it includes inappropriate language or views which appear discriminatory. If we receive an offensive complaint we may take legal action against the person who raised it.

Persistent complaints

There may be times when people will make the same complaint several times. Once we have investigated a complaint and reviewed it, if our decision remains the same we will advise you what action may be taken. If you continue to contact us about the same issue we will read your correspondence but if it does not raise any new issues we may write to you and explain that we will not investigate the matter further.

When you make a complaint

We will:

1. acknowledge it and give you a reference number for that complaint;
2. treat you with respect;
3. investigate it fully;
4. send a full response or an update out within **15 working days**, using the method of your choice;
5. share and keep data inline with BCC Privacy Policy .

- Taking action through the complaints procedure may lead to us taking disciplinary action against an employee or starting action under other procedures (for example, legal procedures). In these cases, we may have to suspend the investigation until the other procedure (including appeals) has been completed. If this is the case, we will tell you the reason for the delay.
- If you complain about a specific officer, a manager will conduct an investigation. Officers will not investigate complaints about themselves.

Complaints procedure

Our complaints procedure is based on a three-stage process as below.

Stage 1 – Settle the complaint immediately

This is where we are able to resolve the issue on the spot.

Our aim is to deal with the complaint straight away. However we know that this will not always be possible, in which case the complaint will go straight to stage 2.

Stage 2 – Investigating the complaint

The department that provided the service will investigate the complaint and respond to you within 15 working days.

Stage 3 – Review the complaint

If you are unhappy with our decision at stage 2 you can ask us to review it. You need to explain why you feel our decision is incorrect. Your complaint will then be looked at by an independent officer and we will respond within **20 working days**.

If you are still unhappy after your complaint has been reviewed we will tell you what you can do next. At this stage you may wish to contact the Local Government and Social Care Ombudsman who will expect you to have exhausted the complaints procedure.

Customer Satisfaction

To ensure that we are following this procedure and giving our customers the best service we may contact you to ask you about your experience.