

REPORT TO: CILEx REGULATION BOARD
FOR: DISCUSSION
DATE: 21 FEBRUARY 2018
REPORT TITLE: 2017 REVIEW OF COMPLAINTS AND COMPLIMENTS
SUBMITTED BY: Jill Durham, Director of Policy and Enforcement

PURPOSE OF REPORT:

- 1 To report on complaints and compliments about CILEx Regulation.

BACKGROUND:

- 2 In August 2017 the office published a refreshed customer commitment¹ and Service Complaints Policy, agreed by the management team following consultation with staff. The approach is designed to support an open and transparent culture in relation to complaints, and to support staff in using complaints as opportunities for learning and improvement.
- 3 There is an established ‘no blame’ culture within the company. Managers encourage staff to be open about mistakes or areas for improvement. This is further supported by provisions within the Service Complaints Policy to capture compliments as a balance to complaints about our service. Staff are encouraged to record compliments given by external and internal customers and stakeholders. Compliments are celebrated at staff meetings as part of our staff engagement work.
- 4 The new Service Complaints Policy (Appendix 1) is accompanied by a new Unreasonable Behaviour Policy (Appendix 2) intended to provide a framework for dealing with complainants who are deemed to become vexatious.

KEY ISSUES FOR CONSIDERATION:

Complaints:

- 5 Performance on complaints is reported to the Board quarterly. The executive proposes also to report an annual review of complaints and compliments to the Board, both as an extension of our open approach regarding customer service levels and service user perception of CILEx Regulation, and to further underpin staff engagement with the Board. Complaints and feedback from service users help us to use learning to improve our work.
- 6 This approach is further underpinned by the new LSB regulatory performance standards. The LSB includes ‘*use of learning from our own work, stakeholders, the legal sector and other sectors in order to improve*’, as an activity demonstrating Governance and Leadership.

¹ <https://www.cilexregulation.org.uk/about-us/our-customer-commitment>

- 7 Alongside the new policies, the office introduced a simple system for recording complaints by operational function, outcomes and time taken to process these at Stage 1 and Stage 2. Stage 1 is initial response to a formal complaint. Stage 2 is a review where a complainant is not satisfied with the outcome at Stage 1. We started recoding this data mid year. Although we have reported the total number of complaints received in 2017, reporting of times taken is limited at this stage to completed cases since recording started.

Volumes:

- 8 The total number of complaints so far is nine, of which three have progressed to Stage 2.

2017	Q1	Q2	Q3	Q4	TOTAL
No. stage 1 complaints (corporate)	-	3	5	1	9
% response within 20 working days	-	33%	100%	0%	
% stage 1 complaints upheld	-	33%	100%	0%	
No. stage 2 complaints (corporate)	-	0	2	1	3
% response within 20 working days	-	-	0%	100%	
% stage 2 complaints upheld	-	-	50%	0%	

- 9 As data builds over time we will aim to report on volumes, times taken to deal with complaints, what people complain about and what learning we have taken from customer feedback.

Type:

- 10 Complaints are recorded against the following categories:

- poor service;
- policy/procedure/Rules;
- staff behaviour/attitude;
- Service failure;
- delay;
- lack of response to communication;
- invoicing/payment;
- other.

- 11 Complaints occasionally straddle two or more categories in which case they are recorded against the category that best reflects the main source of dissatisfaction.

Business area:

- 12 Of the nine complaints received so far three were about the work of the Practitioner Authorisation and Supervision team. Of these, two were about the impact of policy/procedure/Rules, firstly in relation to lack of dispensations and secondly about QE application requirements. The third was about delay and quality of responses. One of the three was resolved informally before it became a formal Stage 1 complaint. One was found justified and one partly justified.

- 13 The other six complaints were about the work of the Enforcement team. Two of these were about poor service. The first was in relation to the handling of an investigation into a conduct matter arising from material submitted as part of a work based learning portfolio. This was found fully justified and an apology offered and accepted. The second was in relation to the handling of prior conduct declared on an application for re-instatement to membership. This was found partly justified and an apology given. The other four complaints were two by members dissatisfied with the handling of investigations into their conduct and two from members of the public unhappy with the outcome of complaints they made about regulated individuals.
- 14 All three Stage 2 complaints were requests for review of decisions that found Stage 1 complaints about the work of the Enforcement team partly or wholly unjustified. All complaints at Stage 2 resulted in the findings at Stage 1 being upheld.

Learning:

- 15 The complaint about the handling of an investigation into a conduct matter arising from material submitted as part of a work based learning portfolio was used to review our approach and resulted in a change to a more proportionate approach.
- 16 The complaints about the handling of misconduct investigations were used to review the practice of telling parties that if they were dissatisfied with the handling of investigations or the outcome of their complaint against a regulated individual, they should complain under the Service Complaint Policy.
- 17 The Policy includes a provision that investigation of a service complaint can be deferred until the investigation into misconduct allegations is concluded. This is to avoid investigation into service issues muddying the waters in relation to a conduct matter. The learning taken on board was about management of customer expectations that a complaint about us might be dealt with before a misconduct investigation closes.

Unreasonable Behaviour:

- 18 Since the introduction of the Unreasonable Behaviour Policy we have invoked this on one occasion by declining to enter into further correspondence. This related to a matter where the complaints process had been exhausted a considerable time ago.

Compliments:

- 19 We started recording compliments from July. Since then we have recorded the following:

Team	No.
Entity Authorisation and Supervision	4
Enforcement	6
Consumer and Policy	2
Practitioner Authorisation and Supervision (CPD)	2
Practitioner Authorisation and Supervision (Practice rights)	1
Practitioner Authorisation and Supervision (QE)	2
Practitioner Authorisation and Supervision (WBL)	18
Practitioner Authorisation and Supervision (General)	4
Other	2
TOTAL	41

- 20 Some operational areas are more likely to attract positive feedback than others. For example, a practitioner gaining authorisation may be more inclined to give positive feedback than a regulated individual accused of professional misconduct. That said, all operational areas are attracting compliments.

Source of compliments:

- 21 One of the compliments was from a member of the public. One was from an HM Treasury official. Two were from officers in the CILEx Membership Team. One was from a member of the Admissions and Licensing Committee. The remaining 36 compliments were from regulated individuals.

Type of compliments:

- 22 Positive praise, over and above a thank you, is treated as a compliment. A selection of compliments is attached at Appendix 2.

Future reporting:

- 23 This report is based on low volumes of data. Any feedback on how future data can most helpfully be presented is welcome.

RECOMMENDATIONS:

- To receive the first annual report on complaints and compliments 2017.

Appendix 1: Customer Service Policy
Appendix 2: Unreasonable Behaviour Policy
Appendix 3: Sample compliments