

Guidance for Councillors

ITEM 9

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ITEM 9

1) What is a Councillor Call for Action?

Councillor Call for Action (CCfA) has been introduced by the government to strengthen the role of the ward councillor. The CCfA is a process for a councillor to act on behalf of residents to resolve a local issue of concern, acting as a last resort for people who cannot get issues resolved through any other means. Ward councillors should be looking to identify CCfAs in their community, but CCfAs can also be raised by local people directly with their ward councillors or with the Scrutiny team. It will still be up to councillors to recognise whether an issue is a CCfA and whether it is appropriate to champion that issue.

National guidance will be issued for councillors on CCfA before it commences in April 2008 when a duty will be placed on all councillors to consider requests from local residents on local issues of concern.

The decision to raise and champion a CCfA lies with you as the councillor. We are also trying to involve and encourage county councillors to work with you on CCfAs in recognition of the two-tier structure within which we operate.

2) Dealing with a Councillor Call for Action

What is expected of you?

Essentially Councillor Call for Action (CCfA) is recognition of the role you undertake as a ward councillor in taking up local issues on behalf of your community. You are expected to identify issues of local concern and act with and on behalf of your community to resolve those issues. It is up to you using this guidance to decide:

- which issues you take forward as CCfAs and champion;
- when an issue should be referred to Scrutiny; and
- when to reject an issue.

You will be supported in this process by the Scrutiny team. A flow chart of the CCfA process is provided on page 6 and takes you through each step of the process.

Checklist for a CCfA

1, **Reject if** it is any of the following:

An individual complaint (see appendix D for action); or

An issue relating to a "quasi-judicial" matter or decision such as planning or licensing; or

An individual's own hobby horse personal agenda (an issue of genuine local concern should have an impact on your local community).

2, Accept if it is:

An issue of genuine local concern; and You believe that this is the most appropriate way to deal with it.

If accepted, then....

3, Discuss with other ward councillors (check they haven't rejected it and if they can help).

4, Log the issue with the Scrutiny team and seek guidance.

5, Take steps to resolve the issue through existing mechanisms such as liaising with partners, county and parish councillors or raising with CCfA champions.

6, If the issue is then resolved, inform resident and Scrutiny team of the outcome and the steps taken, including any difficulties or learning points.

7, If unresolved, refer to Overview & Scrutiny management group to request a Select Committee to hold a community meeting to investigate the issue.

3) Timescales for Dealing with a CCfA

Initial Response

In the first instance of raising the issue with a CCfA champion within a service you should expect an initial response in accordance with the partners customer care guidelines if it is a borough council service, the guidelines are:

If you telephone TWBC they will deal with your query immediately or ensure you are called back and ensure that all messages and call backs are completed within 24 hours

If you write to TWBC they will respond to you within five working days

Timescale for Resolution/Action

We have asked all CCfA champions within the Council to ensure that issues are responded to within **28 days** and, where possible, resolved or an action plan put in place (for example setting up a meeting). Our external partner organisations have been asked to work within their own "dealing with complaints guidelines" for resolving your issues these are attached at Appendix E.

Response to Recommendations from Scrutiny

If the CCfA is considered a strategic issue or cannot be resolved, the Council may hold a Scrutiny meeting to consider the issue. Following such a meeting the Select Committee may make recommendations for improvement to the partner agency as they do now when looking at external organisations. Whilst there is no duty for partners to respond, partners have agreed to respond where appropriate to scrutiny recommendations within **28 days** where this will not be possible partners will inform the scrutiny team of the appropriate timescale.

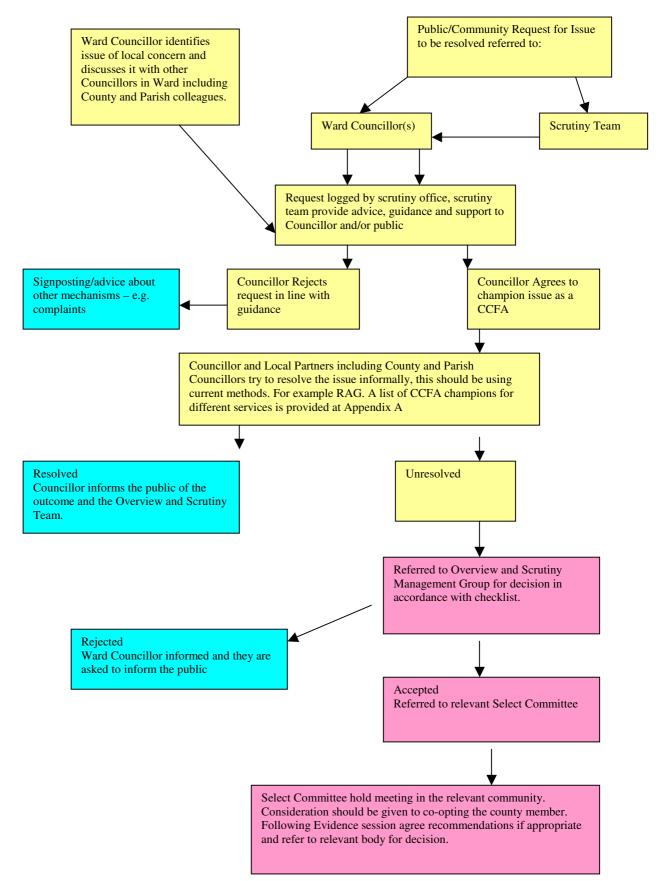
4) How does CCfA fit with Scrutiny and what will the Scrutiny process for CCfAs be?

Currently the public have the opportunity to suggest Scrutiny reviews through the Scrutiny team and any Overview & Scrutiny member can put an item on a select committee agenda. As a result of requesting items from the public for review, we received several requests that fell within the CCfA category and these issues were referred on to ward councillors to resolve as they weren't issues suitable for a full Scrutiny review. The aim of Scrutiny is to be as strategic as possible, championing issues on behalf of the community. For example, the Council's approach to social inclusion was raised as an item for a Scrutiny review. As this is a strategic issue it is suitable for Scrutiny and the Overview and Scrutiny Management Group referred it to Environment, Safer and Stronger Communities Select Committee to investigate.

Each Select Committee has the power to deal with CCfAs already included within its terms of reference. The Overview & Scrutiny Management Group will be asked to identify if a CCfA is appropriate for scrutiny and which select committee should consider it. The Overview and Scrutiny Management Group will be expected to act as gatekeepers to ensure that the issues scrutinised and reviewed are of genuine community concern. The checklist for the Overview and Scrutiny Management Group is attached at Appendix C.

The Select Committee when receiving a CCfA will convene a meeting in the community affected, where possible, and aim to meet with all partners involved, gather evidence and identify appropriate recommendations. The local county councillor should be invited as a co-optee (or a witness) on to the committee if it is a county issue. An example of a CCfA occurring already would be the review of the Customer Care of Housing Associations resulting from issues in Brenchley. The Overview and Scrutiny Committee in effect championed an issue of local concern and made recommendations for improvement.

5) Councillor Call for Action Flow Chart



Appendix A

List of Service Providers and CCfA Champions

KCC SOCIAL SERVICES

jane.grogan@kent.gov.uk

Jane Grogan District Manager Social Services Montague House Hanover Road ROYAL TUNBRIDGE WELLS Kent, TN1 1EX 01892 515045

KCC EDUCATION

Karen Coffey Joint Commissioning Officer Kent County Council 17 Kings Hill Avenue WEST MALLING Kent, ME19 4UL 01732 525102

KCC YOUTH SERVICE

theresa.seal@kent.gov.uk

karen.coffey@kent.gov.uk

Theresa Seal Area Manager Youth Service 1 –5 Lyons Crescent Tonbridge Kent, TN9 1EX 01732 225065

KCC YOUTH OFFENDING SERVICE

Catherine Reilly <u>G</u> Area Manager West Kent Joynes House New Road Gravesend Kent, DA11 0AT 01474 544529 07740 184521

Catherine.Reilly@kent.gov.uk

KCC Chief Executive's Directorate

Paul Wickenden, Overview and Scrutiny Manager, Democratic Services and Local Leadership, Sessions House Maidstone ME14 1XQ 01622 694486 paul.wickenden@kent.gov.uk KCC Communities Directorate

Andrew Swan, Information Governance Officer, Invicta House, Maidstone ME14 1XX 01622 221621 andrew.swan@kent.gov.uk

<u>KCC Children, Families and Education</u> Molly Norley, Head Of Managing Director & Democratic Support Team; Sessions House, Maidstone ME14 1XQ 01622 694261 <u>molly.norley@kent.gov.uk</u>

KCC Kent Adult Social Services Christine (Chris) Cogdell; District Manager, KASS, Montague House, 9 Hanover Road, Tunbridge Wells Kent TN11EZ For all public enquiries use: 01892 515045 christine.cogdell@kent.gov.uk

KCC Environment and Regeneration Linda Davies, Director of Environment and Waste, Invicta House, Maidstone ME14 1XX. 01622 221500 Iinda.davies@kent.gov.uk

WEST KENT PCT

Angela Painter West Kent PCT Wharf House Medway Wharf Road TONBRIDGE Kent, TN9 1RE 01732 375250 angela.painter@swkentpct.nhs.uk

WENT KENT POLICE Chief Insp. Russell Nyman Tunbridge Wells Police Station Crescent Road TUNBRIDGE WELLS Kent, TN1 2LT 01892 502025

russell.nyman@kent.pnn.police.uk

KENT FIRE & RESCUE SERVICE

Chris Colgan Partnership Manager (South) South Division HQ C/o Maidstone Fire Station Loose Road chris.colgan@kent.fire-uk.org

MAIDSTONE Kent, ME15 9QB 01622 774500 01580 212920

0783 4502894 07899 792050

Tunbridge Wells Borough Council

Building Control Head of Building Control Services John Ager Tel01892 554123 E: john.ager@tunbridgewells.gov.uk

Leisure Services Nigel Bolton –Head of Leisure Services Tel: 01892 554264 E: <u>Nigel.Bolton@tunbridgewells.gov.uk</u>

Economic Development and Regeneration David Candlin – Head of Economic Development and Regeneration Ext 2017 E: <u>David.candlin@tunbridgewells.gov.uk</u>

Finance and Property Services Sean Clark – Head of Financial and Property Services Tel: 01892 554257 E: sean.clark@tunbridgewells.gov.uk

Customer Access, IT and Business Transformation Andrew Cole – Head of Customer Access & Business Transformation Tel: 01892 554254 E: <u>Andrew.cole@tunbridgewells.gov.uk</u>

Housing David Crosby – Head of Housing Services Tel: 01892 554192 E: david.Crosby@tunbridgewells.gov.uk

Audit and Risk Management Ian Cumberworth – Head of Internal Audit and Risk Management Tel: 01892 554020 E: jan.cumberworth@tunbridgewells.gov.uk

Community Services and Corporate Planning Nazeya Hussain –Head of Community and Corporate Planning Tel: 01892 554158 E: nazeya.hussain@tunbridgewells.gov.uk Planning Services Jim Kehoe – Head of Planning Services Tel: 01892 554102 E: <u>jim.kehoe@tunbridgwells.gov.uk</u>

Revenues and Benefit Bill McCafferty – Head of Revenues & Benefits Tel: 01892 554008 E: bill.mccafferty@tunbridgwells.gov.uk

Environmental Services, Waste Management and Street Scene Gary Stevenson - Head of Environment and Street Scene Tel: 01892 554014 E: <u>gary.Stevenson@tunbridgwells.gov.uk</u>

Town and Country Housing Group

All helpdesk advisors aware the following two people have been nominated as lead advisors: Nick Gent and Sarah O'Reilly - available on 01892 501776 (helpdesk number).

West Kent Primary Care Trust

Julia Ross - Director of Civic Engagement Tel: 01732 375276 E: Julia.Ross@westkentpct.nhs.uk

Kent Highways

The champion for this is the KCC Environment and Regeneration Champion

Scrutiny Team Contact Details

Angela Woodhouse, Overview and Scrutiny Partnership Manager Tel: 01892 554105 E: <u>angela.woodhouse@tunbridgewells.gov.uk</u>

Kat Hicks, Senior Overview and Scrutiny Officer Tel: 01892 554085 E: <u>kat.hicks@tunbridgwells.gov.uk</u>

Laurence Doig, Overview and Scrutiny Officer Tel: 01892 554111 E: Laurence.doig@Tunbridgewells.gov.uk

Illustrative Examples of Local Issues

Issue: A local resident contacts you to report vandalism in their street; the street sign at the end of their road is being continually vandalised and they feel it is bringing down the area and is an indication of there not being enough for young people to do locally.

Action: This would be a CCfA. Report the vandalism to the police, as it is criminal damage. Unless evidence can be provided as to who is doing it, there will be little the police can do, so contact their local police officer/Police Community Support Officer (PCSO)/Community Warden. This person may be able to assist in identifying the culprit(s) and be able to take informal action to deal with the matter - e.g. speaking with the young people and their families.

With regard to activities for young people, firstly find out what there actually is for young people to do as sometimes people are not aware of how much there is. Contact some or all of the following: KCC Youth Services, the parish/town council, local churches, Leisure Services and Community Development (Youth). If there is, in fact, more than was thought, the PCSO or Warden might be asked to try to encourage the young people to get involved with some of the activities. If you believe there is inadequate provision for young people, a good starting point for trying to increase this would be KCC Youth Service. If nothing comes of this, referring the matter to the Community Safety Manager at TWBC would be a way of getting the CSP involved in putting pressure on services, if the level of ASB merits it.

Issue: As a ward councillor you have heard complaints from people that there is a lack of available NHS dentists in your area.

Action: Contact the Primary Care Trust's CCFA Champion to find out if there really is an issue. Contact the other councillors in your ward and in other parts of the borough to see if this is an issue across the borough . If it is refer it to the Overview and Scrutiny Management Group via the Scrutiny team as this is a strategic issue affecting the whole borough. This is a CCfA.

Issue: A member of the public complains that their street is not cleaned regularly and there is a growing litter problem.

Action: Signpost them to the Council's Client Services team.

Issue: A resident complains that their neighbour is noisy and acting in an antisocial fashion.

Action: This is not a CCfA. First, establish if the person being complained about is a housing association tenant – if so, the initial contact should be with the housing association. I would also suggest the councillor asks if the local policeman/PCSO/Warden has been contacted – if not, the complainant should be advised to do this. The ASB Co-ordinator does not have the capacity to

deal with initial complaints across the borough – he gets involved when residents have tried officers 'on the ground' but failed to get a satisfactory response.

Issue: A controversial planning decision has been taken in your local area, residents are unhappy about the decision to build more flats and raise this with you as their ward councillor.

Action: As this is a planning issue, it is not appropriate to champion as a CCfA. Planning has its own procedures to deal with appeals and complaints and residents should be signposted to these.

Issue: There is no green space available for your community; residents have stated they want an area for young people and the community.

Action: This would be a CCfA, similar to the Oak Road Doorstep Green community project. The residents formed Oak Road Community Action (ORCA) with the aim of transforming the space and using it to bring the community together. In partnership with Tunbridge Wells Borough Council, ORCA undertook extensive and sometimes difficult consultation within the community. Through the physical regeneration of the space into a Doorstep Green, ORCA had engendered a sense of purpose in the community. The resulting sense of local pride has been instrumental in the improvement of the reputation of the estate and has had a significant impact on reducing crime and disorder. This is just the kind of issue you should want to champion as a councillor representing your community to resolve an issue of genuine local concern.

Appendix C

Overview and Scrutiny Management Group Checklist for referred CCfAs

Reject if:

- The applicant is a vexatious complainant and the issue is being or has been dealt with under the Council's Complaints procedure.
- The issue is currently going through the complaints procedure.
- Ward Councillors have not been given the opportunity to deal with the issue.
- Ward Councillors have not explored the issue fully and exhausted all avenues.
- The issue cannot go any further.

Defining a Complaint

'Any expression of dissatisfaction whether justified or not' (British Standards Institute's definition of a complaint).

It is important to note that this definition is designed not to be too rigid or inflexible so that it doesn't exclude or prevent customers from making a complaint.

A customer may be dissatisfied and wish to complain because:

- we failed to provide a service (for example, we failed to repair a streetlight after several requests)
- we delayed in providing a service (for example, we delayed in assessing a claim for housing benefit)
- we made a mistake in providing a service (for example, we miscalculated the amount of benefit)
- we failed to act in a proper way (for example, we failed to notify about a planning application)
- we provided an unfair service (for example, we discriminated against a customer)

If a customer tells you they want to make a complaint, the issue should be dealt with as such, even though you may not regard it as a complaint. The customer feels strongly enough about the issue to make a complaint, therefore we should view the matter as Such, whether the complaint is justified or not. However, an enquiry or a request for a service should not be viewed as a complaint. (For example, reporting a faulty street light or a request for refuse collection). Requests for information or an explanation of Council

policy or practice should also not be viewed as a complaint.

Complaints excluded from the Complaints Procedure

Complaints from members of staff about personnel issues (for example, appointments, disciplinary matters, grievances, pay and pensions)

Issues, which are considered under an existing right of appeal (for example, planning appeals and housing benefit appeals) unless the complaint refers to the way the matter has been administered

Complaints regarding the merits of a decision taken properly and with all the necessary information (for example, Planning applications) and

complaints about Councillors

Dealing with issues raised as CCfAs that are complaints

The Council has a guide book that covers the complaints procedure and a copy of this is in your Councillor Information Resource Bag. Essentially, you should direct the individual(s) to the complaints procedure if they raise an issue with you that is a complaint rather than a genuine issue of local concern. A definition of what constitutes a complaint is provided earlier in the guide.

How can someone make a complaint to TWBC?

A customer can complain in the following ways:

- In person
- In writing
- By phone
- Using the complaint form
- Online: www.tunbridgewells.gov.uk
- e-mail: comments@tunbridgewells.gov.uk
- By textphone: 01892 545449
- By fax: 01892 534227
- Freephone: 0800 032 3222

Online Feedback Facility

Customers can make a complaint online via the complaint form on the TWBC website: <u>www.tunbridgewells.gov.uk</u>. These forms will be received by the Customer Care Manager and forwarded to the relevant Service for handling through the standard complaints procedure. The Customer Care Manager will acknowledge receipt of the complaint and advise the complainant of contact details for the person handling the complaint and timescales for a response.

Examples of Partners Complaints Procedures and Response Times

Kent County Council

Each service has different procedures but response times are usually within 24 hours for the initial query.

Complaints procedure

This is the procedure for complaints about a KCC service, other than <u>schools</u> or <u>Adult Care Services or Children's Social Services</u>, which have separate complaints procedures.

Step one

Please start by raising the issue with the person you have been dealing with at the county council, or their immediate manager. Most problems can be resolved this way.

Step two

If you feel you need to pursue your complaint further, then please contact the managing director of the service you have been dealing with. You can do this by letter (if you're not sure who this is, visit our <u>who to contact</u> page). Alternatively, you can <u>e-mail your complaint</u>, telephone/typetalk our Contact Centre on 08458 247 247 (Minicom 08458 247 905), or <u>complain</u> <u>online</u>.

Step three

If you put your complaint in a letter or email, or send it online, you can expect to receive an acknowledgement within one week and a full reply normally within four weeks. If your complaint raises complex issues that cannot be answered within four weeks, we will keep you informed of progress at four-weekly intervals until we are able to respond fully to your complaint.

If you phone or visit one of our offices with your complaint, our staff will try to help you by answering your query or taking down details so that it can be investigated.

They will telephone or write to you to tell you the outcome of the investigation as soon as they can.

Step four

If you are not satisfied with the managing director's response, or if your complaint is about KCC's response to a request for information under the

Freedom of Information Act or related legislation, you should send full details of your complaint to the chief executive and ask him to look into it (Sessions House, County Hall, Maidstone, Kent ME14 1XQ).

A member of the chief executive's staff will try to resolve the matter to your satisfaction. You can again expect to receive an acknowledgement within one week of the chief executive receiving details of your complaint and a full reply normally within four weeks.

Step five

Your local <u>county councillor</u> may be able to help resolve your complaint by pursuing it on your behalf with the managing director concerned or with the chief executive.

Step six

If you are still not satisfied after all these steps have been taken, you have the right to take your complaint to the Local Government Ombudsman (except for a complaint about <u>Freedom of Information</u>). The Local Government Ombudsman is an independent and impartial person, appointed by central government to

investigate complaints of maladministration by local authorities. A leaflet explaining how to complain to the Local Government Ombudsman is available from their <u>website</u> (link opens in a new window) or by contacting their advice line (telephone and typetalk) on 0845 602 1983, or by <u>e-mailing them</u>.

Step seven

If your complaint is about KCC's response to a request for information under the Freedom of Information Act or related legislation, you may take it to the Information Commissioner. Advice on the Information Commissioner's role is available by telephone/typetalk 01625 545745, <u>e-</u> <u>mailing the Information Commissioner</u> or visiting the <u>Information</u> <u>Commission website</u> (link opens in a new window).

See also

<u>Schools complaints</u> <u>Social Services complaints</u> <u>Who to write to</u>

Town and Country Housing Group

Response to telephone calls: Response to e-mails: Response to letters: Response to answer machine messages: Within 10 rings 10 working days 10 working days Within 24 hours Time for responding to scrutiny recommendations: 28 days Complaints procedure (web link):

http://www.tchg.org.uk/static.php?page=tenant_complaints&submenuid=tena nt_comp

Complaints procedure in brief:

You can make a complaint by contacting the Sorted! Helpline on 01892 501620, e-mailing <u>sorted@tchg.org.uk</u>, downloading a complaints form from our website, visiting our reception, by letter or via the Citizens Advice Bureau or other agencies. An instant answer can be given in many cases for enquires made to the Sorted! Service and you will be informed of the progress in resolving your complaint every 10 working days. Following a written decision at each stage of our complaints procedure, you will have 3 weeks in which to respond or decide to progress the complaint to the next stage. If no response is received from you within 3 weeks, then the complaint file will be closed.

SORTED! STAGE 1 Sorted! complaint referred to Service Manager Complaint resolved? YES? End of Sorted! NO? Go to Stage 2. SORTED! STAGE 2 Complaint referred to Head of Service Complaint resolved? YES? End of Sorted! NO? Complaint referred to Appeals Process If you do not agree with the proposed solution to your complaint, you have 3 weeks to inform the Company Secretary that you wish to Appeal.

APPEAL STAGE 1 Review of your Sorted! complaint by independent director. APPEAL STAGE 2 Review by Appeals Committee. You will be informed of the committee's findings in writing. End of Appeals Process The Ombudsman Service If you are not satisfied with the outcome of your complaint you can contact the Independent Housing Ombudsman. The Ombudsman will expect you to have followed our complaints process, as set out on this page, prior to you contacting them. You can write to the Housing Ombudsman at: Norman House, 105-109 The Strand, London WC2R 0AA

Tel: 0845 7125 973 (Lo-Call rate) Mini-com: 0207 240 776

Kent Fire and Rescue

"If you want to let us know about good service or make a complaint, you can visit your nearest fire station, contact us using the details below or e-mail us via our website at <u>www.kent.fire-uk.org</u>

Service Complaints Officer Kent Fire & Rescue Service HQ The Godlands, Straw Mill Hill Tovil, Maidstone, Kent ME15 6XB Tel: 01622 692121 Minicom: 01622 674691

If you are still not satisfied you should appeal in writing to: The Chief Fire Officer, Kent Fire & Rescue Service Headquarters, The Godlands, Straw Mill Hill, Tovil, Maidstone, Kent ME15 6XB. You can also contact the Local Government Ombudsman at 10th Floor, Millbank Tower, Millbank, London SW1P 4QP Tel: 020 7217 4620, Fax: 020 7217 4621 website: www.lgo.org.uk"

Kent Police

Initial response will usually be within 24 hours to a CcfA.

Complaints Procedure

If you would like to make a complaint or compliment about a general issue (not an individual member of staff), please put the details in writing. A general complaint or compliment can cover:

- policing policy
- organisational decisions
- general policing standards (not relating to an individual)
- management decisions

Send to:

Professional Standards Department, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ

Alternatively call 01622 652323 or send an email.

We aim to find a resolution to your complaint within 120 days.

More information:

For full details of our general complaints/compliments procedure, please view <u>Kent Police Force Policy I22</u>.

NHS Services

You can talk to patient advice and liaison service (PALS) staff or complaints manager at the NHS trust hospital or primary care trust involved in your complaint. They may be able to resolve your concerns on the spot or can provide you with details of how to complain

You can also contact NHS Direct on 0845 4647.

An independent complaints advocacy service (ICAS) is available to provide advice and support to people who wish to complain about the NHS.