

BUDGET AND PERFORMANCE PANEL

Complaints Procedure and Monitoring 2016 / 2017 14th November 2017 Report of Chief Officer (Environmental Services)

PURPOSE OF REPORT

To provide an overview of the performance of the council during 2016 – 2017 in responding to complaints submitted in accordance with the council's Complaints Procedure and considered by the Local Government Ombudsman for the year ended 31 March 2017.

The report also outlines current monitoring arrangements and notes that the Overview and Scrutiny Committee has set up a Task Group to develop a customer service strategy and review the Council's complaints policy.

This report is public

OFFICER RECOMMENDATIONS

- (1) That Budget and Performance Panel considers the report and attachments in line with their Terms of Reference relating to the monitoring and review of the council's performance, making any comments and recommendations considered necessary.**
- (2) That Budget and Performance Panel note that a task group has been set up to steer the development customer service strategy and review the Council's complaints policy. The work of the TG will be overseen by Overview and Scrutiny**

1. COMPLAINTS PROCEDURE AND MONITORING ARRANGEMENTS

- 1.1. The Council provides services and makes decisions that affect the lives of local residents, so it is inevitable that sometimes people will feel that:
 - we failed to deliver a service to an agreed standard or follow an agreed council procedure or policy;
 - we did not take account of relevant matters when coming to a decision;
 - we were neglectful or delayed matters unnecessarily;
 - a member of staff dealt with them badly, or;
 - they are the victim of malice, bias or discrimination
- 1.2. We have a complaints procedure so that people feel that they can raise their concerns and be treated with respect and responded to accordingly. It also provides an important opportunity to rectify a mistake and to make improvements.
- 1.3. Having a formal complaints procedure helps to ensure that all complaints are directed to the right service area to speed up the process and to ensure that they are investigated thoroughly.
- 1.4. Sometimes a 'complaint' is made that should be handled by another organisation or is excluded from the formal complaints procedure, such as:
 - day-to-day service requests or fault reports (missed bin for example);
 - a criticism or disagreement with a Council policy or decision;
 - an alternative appeals procedure exists such as an independent tribunal (for example, planning permission refusals, award of housing or council tax benefit or homelessness matters)
 - a matter that is, or is reasonably expected to be, the subject of court or tribunal proceedings or is in the hands of the Council's insurers

- 1.5. The Complaints Policy defines a complaint as *'An expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response'*.
- 1.6. Formal complaints can be made in person, by telephone, email, in writing or online or can be taken up by Ward Councillor's on the complainants' behalf. Complaints are normally picked up by Customer Services, logged on a shared spreadsheet held in the 'public folder' and subsequently directed to designated complaints officers within each Service.
- 1.7. On the occasions when complaints are received directly to the relevant Service, the Complaints Officer is responsible for logging it on the shared spreadsheet.
- 1.8. Complaints must be acknowledged within five days of receipt and will be investigated by an officer from the appropriate Service. There are two formal stages:
 - **Stage One** – Complaints Officer will aim to investigate and provide a full response within 10 working days from initial receipt. Where this is not possible the complainant is advised of the likely timescales and kept informed of progress.
 - **Stage Two** – only applied where the Stage One process has been fully exhausted and where the complainant is dissatisfied with the response at Stage One. Stage Two is not intended to be a re-investigation of the original complaint but a review by an officer from a different Service to determine if the Stage One investigation was thorough and impartial and, if any fault was found, whether things have been put right for the complainant. The target for a full response at this Stage is also within 10 working days of Stage Two being instigated. The complainant must be informed where a decision cannot be made within that timescale.
- 1.9. As well as ensuring that individual complaints information is used to inform and improve services delivered, through the analysis of complaints information we are able to spot trends and highlight issues that have a negative impact on our residents. Budget and Performance Panel routinely review complaints. A complete analysis of complaints received in 2016 – 2017 is set out in Section 3 of this report.
- 1.10. The existing complaints policy is based on best practice from the Local Government Ombudsman. As part of the work of the customer service strategy Task group it will be reviewed to ensure it is still fit for purpose. As part of this the Budget and Performance Panel will be consulted.

2. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW LETTER

- 2.1. Members of the public can request the Local Government Ombudsman (LGO) for an independent review if they are not satisfied with the Council's handling of, or conclusions from, a complaint. If the LGO finds that the Council is at fault, actions are recommended to the Council to remedy it.
- 2.2. The LGO sends an Annual Review setting out statistics about complaints that have been referred during the financial year. The 2016 / 2017 Annual Review Letter, attached to this report, was considered by Audit Committee on 13th September 2017.
- 2.3. In summary, the LGO received 15 complaints about the Council in 2016 / 2017, compared to 12 in 2015 / 2016. There were 17 decisions made - same as in 2015 / 2016 - as not every decision relates to a complaints made in a 12 month period.
- 2.4. This is broadly in line with other Lancashire district councils and provides a reasonable benchmark on which to evaluate future performance in relation to complaints referred to the LGO.

2.5. The Annual Review letter sets out that 3 of the Ombudsman’s decisions are a result of detailed investigations, 2 of which were upheld. This is the same as in 2015 /2016. Both of the upheld complaints have since been ‘closed’ by the LGO following satisfactory implementation of their recommended actions.

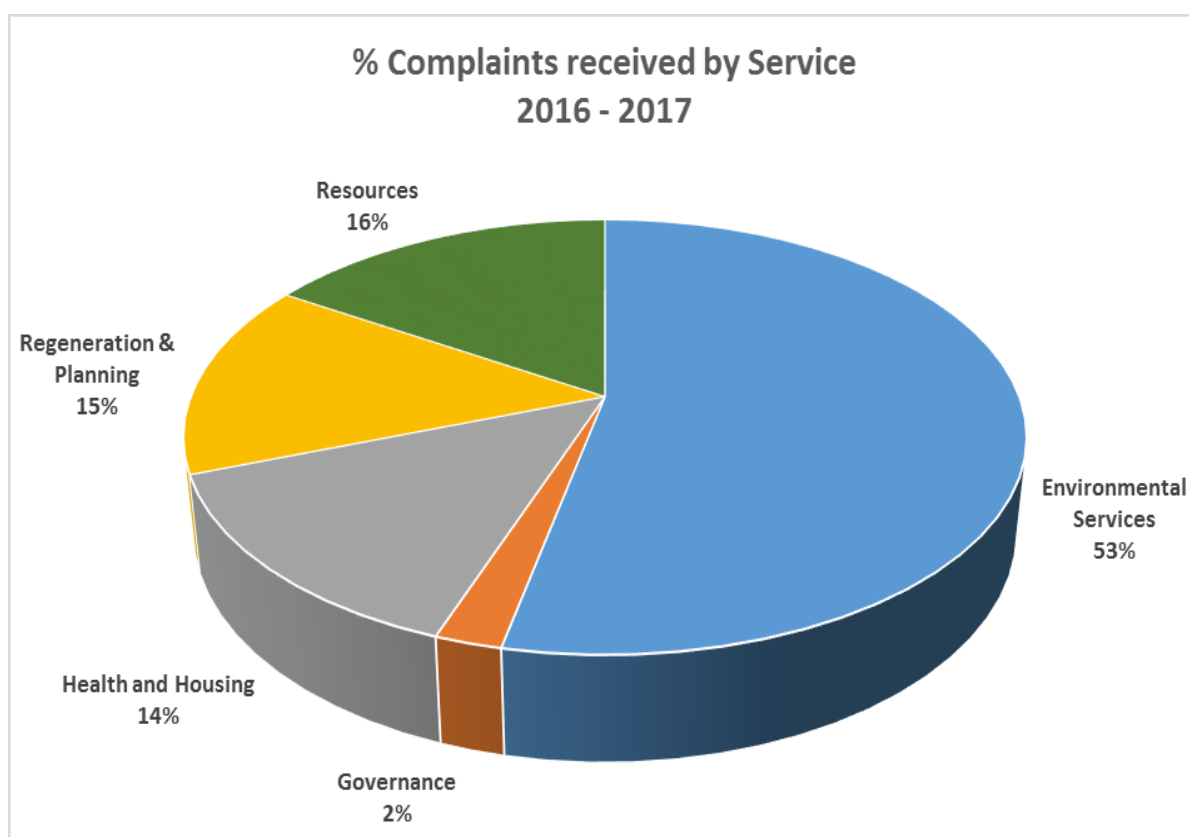
3. COMPLAINTS ANALYSIS 2016-2017

3.1. In 2016 -2017 a total of 137 complaints compared to 124 in 2015 – 2016 were received. This is an increase of nearly 10.5% overall.

3.2. The table below sets out the analysis of the number of complaints by Service in 2016 - 2017, compared to 2015 – 2016.

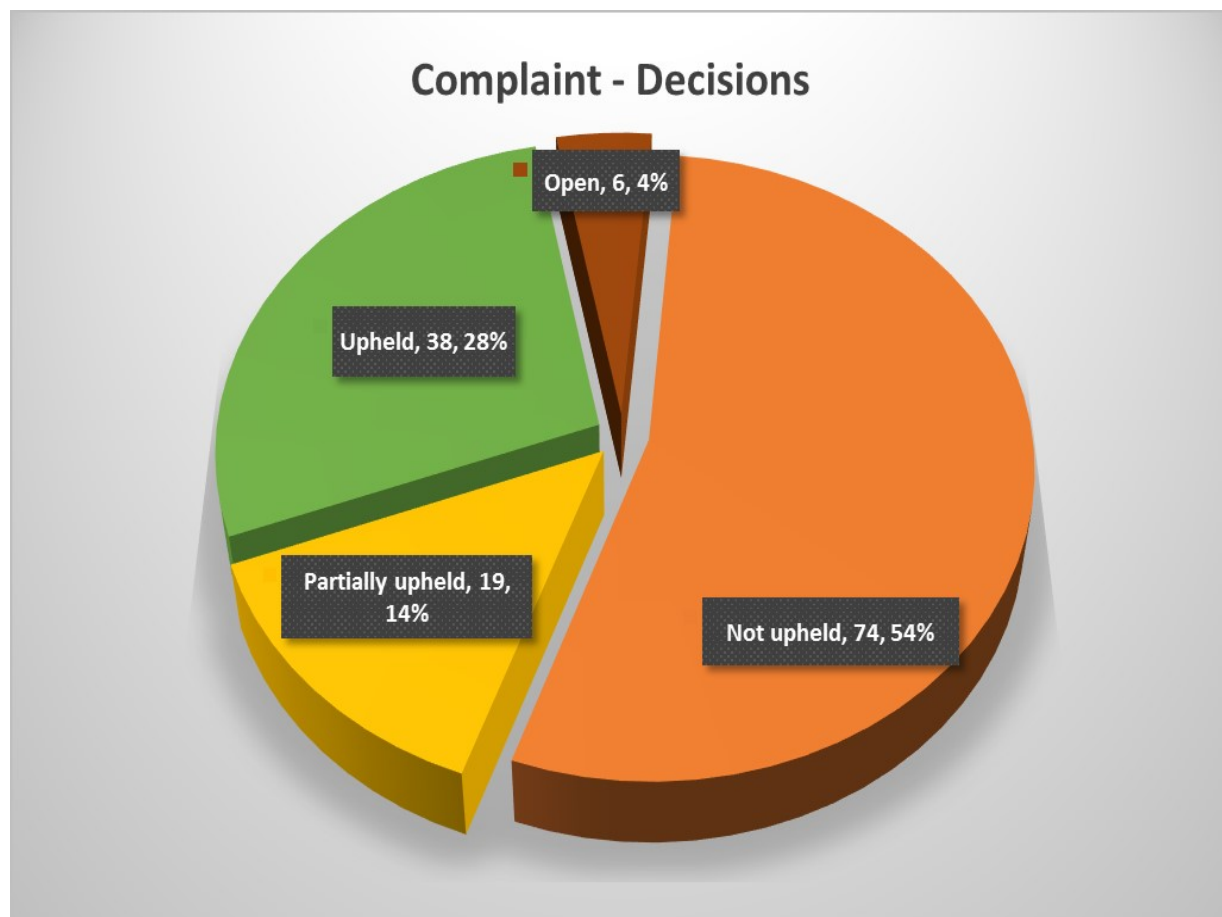
Service	2016-17	2015-2016	Change	
			Number	%
Environmental Services	73	79	-6	-8%
Governance	3	3	0	0
Health and Housing	19	17	2	+11%
Regeneration & Planning	20	15	5	+33%
Resources	22	10	12	120%
Total	137	124	13	10%

3.3. The graph below shows the percentage share by Service of the total complaints made



3.4. It can be difficult to pinpoint specific reasons for any increases or decreases in the number of complaints made, but an analysis of causes of complaints received during 2016/2017 indicates that Welfare Reform and, in particular, Universal Credit has had an impact. This in terms of complaints made in relation to changes to the benefits scheme and complainants apparent perception of the advice given to them in order to comply with Universal Credit requirements.

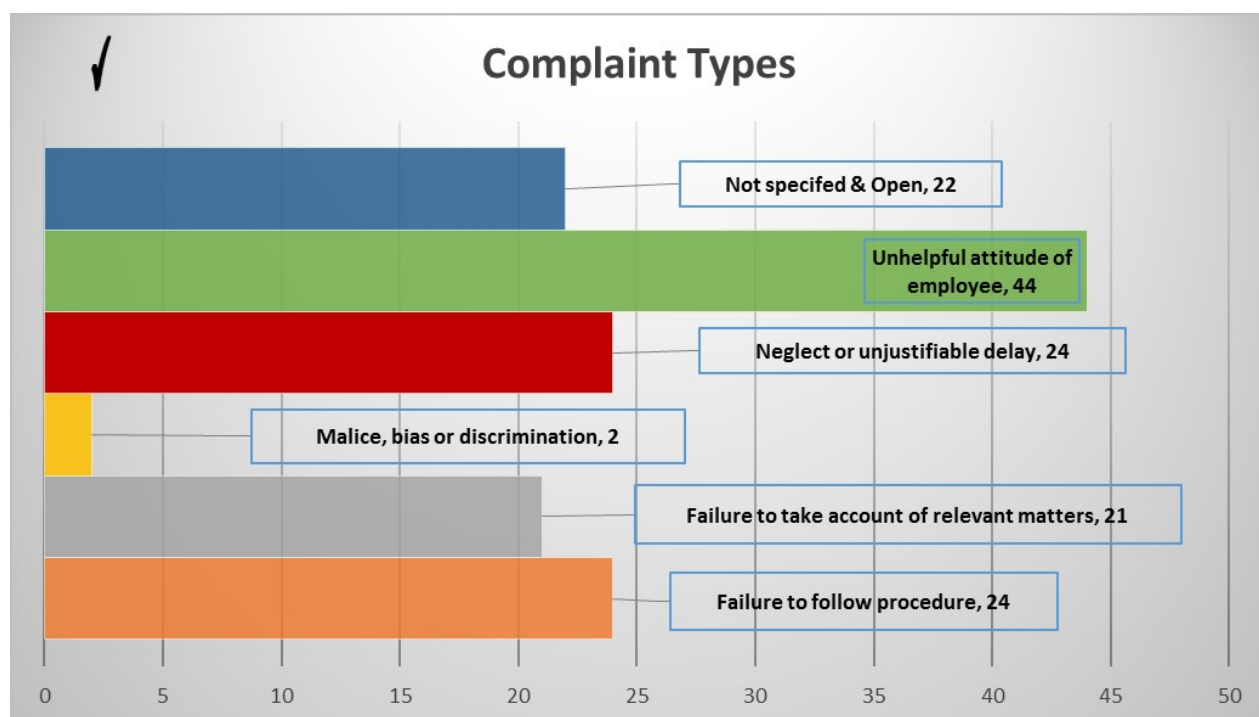
- 3.5. The other main reason for the increased number of complaints received is a more consistent approach to logging complaints received across all Services.
- 3.6. Of the total complaints made across all Services in 2016 – 2017 (137), **74** were **Not Upheld** (65 in 2015/16); **38 Upheld** (30 in 2015/16); **19 Partially Upheld** (20 in 2015/16) and **6 Ongoing** (9 in 2015/16). This is shown pictorially in the graph below. An explanation of the processes at Stage One and Two is set out in paragraph 1.8 of this report.



- 3.7. During the year 128 were completed to the complainants satisfaction at Stage One and 9 referred to Stage 2 of the Complaints Procedure, the same as in 2015 - 2016
- 3.8. Of the total number of complaints received in 2016 - 2017 (124), 61% at Stage One were dealt with within 10 days of the complaint being received. This is 7% lower than in 2015 - 2016. Of the 9 complaints escalated to Stage Two, 4 were dealt with within specified deadlines (6 in 2015 – 2016) – in 2 instances records were incomplete. In all cases, both at Stage One and Stage Two, the complainant was informed that deadlines would be exceeded.

3.9. The table and graph below sets out an analysis of all complaints by type as set out in the complaints procedure:

Complaint Types	2016 - 2017	2015 - 16	Change %	
			Number	%
Failure to follow procedure	24	30	-6	-25%
Failure to take account of relevant matters	21	16	5	31%
Malice, bias or discrimination	2	7	-5	-350%
Neglect or unjustifiable delay	24	14	10	72%
Unhelpful attitude of employee	44	51	-7	-14%
Not specified/Open	22	8	14	175%
Total	137	124	13	10%



4. SERVICE IMPROVEMENTS AND LEARNING FROM COMPLAINTS

4.1. Whilst the number of complaints in 2016 – 2017 have increased slightly on the previous year it has to be taken into context that of the number of transactions and activities the council undertakes each year, such as:

- delivery of a waste and recycling service to nearly 63,000 properties;
- over 4,000 service requests received by Public Realm;
- 15,000 telephone enquiries dealt with by the Public Protection team;
- nearly 1,500 planning applications, and
- 12,000 benefit claims

4.2. Nevertheless, complaints are a valuable source of customer insight and there is scope to make better use of complaints information and the way that they are managed.

- 4.3. Data about complaints provides an important source of intelligence about what is going on that can be used to seek service improvement and, where necessary, hold the Council, Service or an individual to account.
- 4.4. The current system for logging complaints is cumbersome and not wholly reliable and there is currently no formal approach to making best use of the information to identify root causes and prioritise service improvements.
- 4.5. The Customer Experience Platform (CEP) currently in the early stages of development will provide an opportunity to improve the way that complaints are logged and data analysed.
- 4.6. The appointment of an Information Governance Manager should also provide an opportunity to review the current complaints procedure and monitoring arrangements to make sure that there is clarity around officer responsibilities and the management and reporting of complaints and the sharing of lessons that are learned so that the same mistakes are not made again.
- 4.7. This information will be used by the Task Group to help steer the development of a customer service strategy.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None directly arising from this report</p>	
<p>LEGAL IMPLICATIONS</p> <p>None arising from this report</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>None directly arising from this report.</p>	
<p>OTHER RESOURCE IMPLICATIONS</p> <p>Human Resources / Information Services / Property / Open Spaces: None directly arising from this report</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>Section 151 Officer has been consulted and has no further comments</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>Monitoring Officer has been consulted and has no further comments</p>	
<p>BACKGROUND PAPERS</p> <p>LGO Annual Review Letter Complaints spreadsheet 2016-17</p>	<p>Contact Officer: Bob Bailey, Organisational Development Manager Telephone: 01524 582018 E-mail: rbailey@lancaster.gov.uk Ref: Complaints analysis 2016-17</p>