

BUDGET AND PERFORMANCE PANEL

Complaints monitoring for year ended 31st March 2016

13 September 2016

Report of Chief Officer (Environmental Services)

PURPOSE OF REPORT

To provide an overview of the performance of the council during 2015 - 2016 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 2016.

The report also outlines current monitoring arrangements and suggests that steps be taken to clarify and streamline these to make best use of analysis and feedback from complaints as part of the Council's programme of continuous improvement.

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.**

1. INTRODUCTION/BACKGROUND TO THE COMPLAINTS PROCEDURE

- 1.1. This report provides an overview of the performance of the council during 2015 / 2016 in responding to complaints made.
- 1.2. Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in supporting the improvement of those services.
- 1.3. Complaints are analysed by Organisational Development from complaints logged on the customer relationship management system (LAGAN) and/or recorded in a spreadsheet of corporate complaints maintained by Customer Services. The data collected is used to provide the performance information in this report.
- 1.4. 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'*.
- 1.5. The policy also provides for appeals against any council advice, actions or decisions in its capacity as a regulator to be considered as a complaint where no statutory right of appeal or council appeals/review procedure exists
- 1.6. The policy lists the following categories of complaints which form part of the corporate monitoring arrangements:
- Failure to follow agreed council procedure, policy rules or standards of service;
 - Failure to take account of relevant matters in coming to a decision;
 - Neglect or unjustified delay;
 - Inappropriate behaviour of a council employee or someone acting on the council's behalf;
 - Malice, bias or discrimination

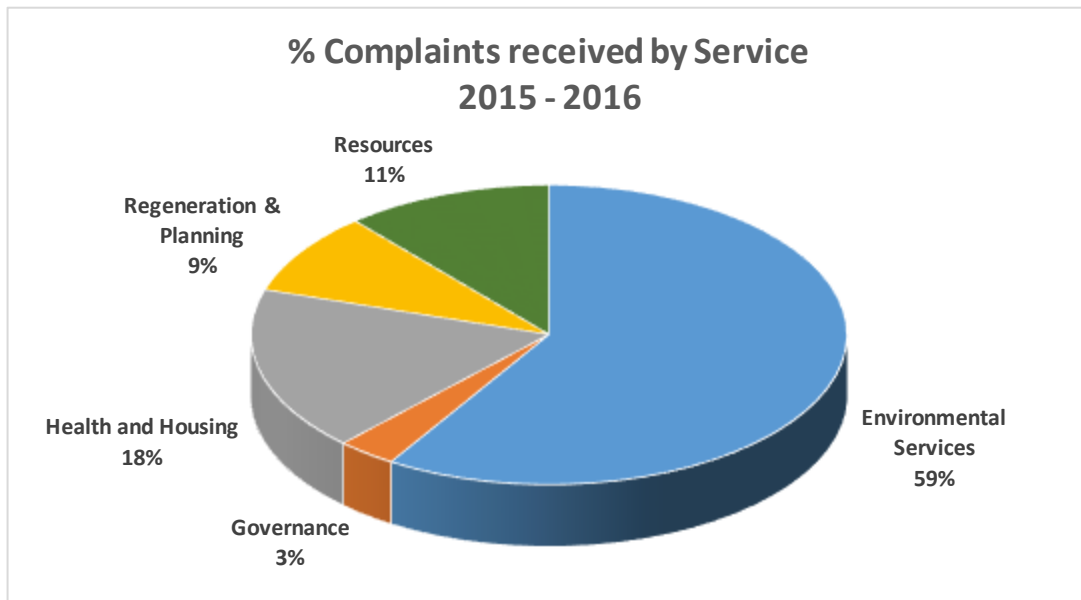
- 1.7. The formal complaints procedure allows for complaints to be made in person, by telephone, by email or in writing or online. Alternatively anyone wishing to make a complaint can contact their Councillor who will take up the complaint with the relevant Service. In the main, complaints are initially submitted to Customer Services to be logged and subsequently directed to designated complaints officers within each Service.
- 1.8. The policy also sets out a list of matters that are excluded from the complaints procedure and highlights the importance of understanding that when a user of council services expresses dissatisfaction a distinction needs to be made between a complaint and a service request or an objection to a decision or a policy. The policy points out, however, that a clear and consistent approach is needed as service requests can sometimes lead to complaints later on – the notification of a missed bin is a service request but a repeated failure to collect the same bin may lead to a complaint.
- 1.9. In practice, many issues/complaints, are dealt with without the need to invoke the formal complaints procedure, with the formal process only being instigated where further investigation is required. In general, complaints are deemed as 'informal' where a quick resolution of the problem is the main concern of the complainant rather than an investigation and written explanation. The resolution of informal complaints are particularly applicable to Environmental Services such as complaints relating to waste collection and street cleansing. There is currently no corporate approach to recording informal complaints.
- 1.10. Complaints received should be acknowledged within five days of receipt and the formal complaints procedure consists of the following two stages:
 - **Stage One:** Complaints are dealt with by designated senior managers within the Service which is the subject of the complaint. Officers 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:** Invoked only where the complainant has challenged the response received and the Stage One process has been fully exhausted. Stage Two is not intended to be a re-investigation of the original complaint but a review by an officer independent of the Service area concerned to establish whether the investigation at Stage One was sufficiently thorough and impartial and, if any fault was found, whether things have been put right for the complainant. Officers again aim to provide a full response within 10 working days of Stage Two being instigated and will inform the complainant where a decision cannot be made within that timescale.
- 1.11. The Local Government Ombudsman (LGO) can be contacted by a complainant at any stage, although the LGO will not normally investigate complaints until they have been through the council's complaints procedure. In exceptional circumstances (e.g. where it is felt that a satisfactory resolution will not be reached) the Chief Executive may ask the Local Government Ombudsman to consider the complaint without it having been through the council's complaints procedure.
- 1.12. Where the LGO does carry out an investigation it will be on the basis of providing remedy or redress where it is considered that decisions have not been properly taken by the council or a failure of service provision has occurred.
- 1.13. Complaints about the council housing service made by, or on behalf of, a council tenant, leaseholder or a housing applicant are investigated by the Housing Ombudsman Service (HOS). The HOS will investigate complaints where the issue has not been resolved at Stage Two and eight weeks have passed since the completion of Stage Two.

- 1.14. It is currently the role of the Information Management Officer to act as the point of contact between the LGO and HOS and to co-ordinate the council's responses to the LGO/HOS. This officer also provides guidance on data protection, freedom of information and related complaints ensuring compliance with statutory requirements. This post has recently been filled following a period of vacancy during which responsibilities were fulfilled by the Internal Audit Manager.
- 1.15. There is no formal approach to capture compliments made about the council as many compliments are informal and verbal in nature. They are, however, an important source of feedback about council services and the staff who deliver them. If recorded and the stories they tell published internally, they can offer a positive perspective on the work of staff and managers.

2. COMPLAINTS ANALYSIS 2015 - 2016

- 2.1. The council received a total of 124 complaints in 2015 – 2016 compared to 146 in 2014 – 2015. This is an overall reduction of 15% which can be seen as a positive indication that the delivery of services is improving.
- 2.2. The table below sets out the analysis of the number of complaints by Service in 2015 - 2016, compared to 2014 – 2015:

Service	2015-2016	2014 -2015	Change
Environmental Services	73	79	-8%
Governance (G)	4	6	-33%
Health and Housing (H&H)	22	21	+5%
Regeneration & Planning (R&P)	11	19	-42%
Resources (R)	14	21	-33%
Total	124	146	-15%

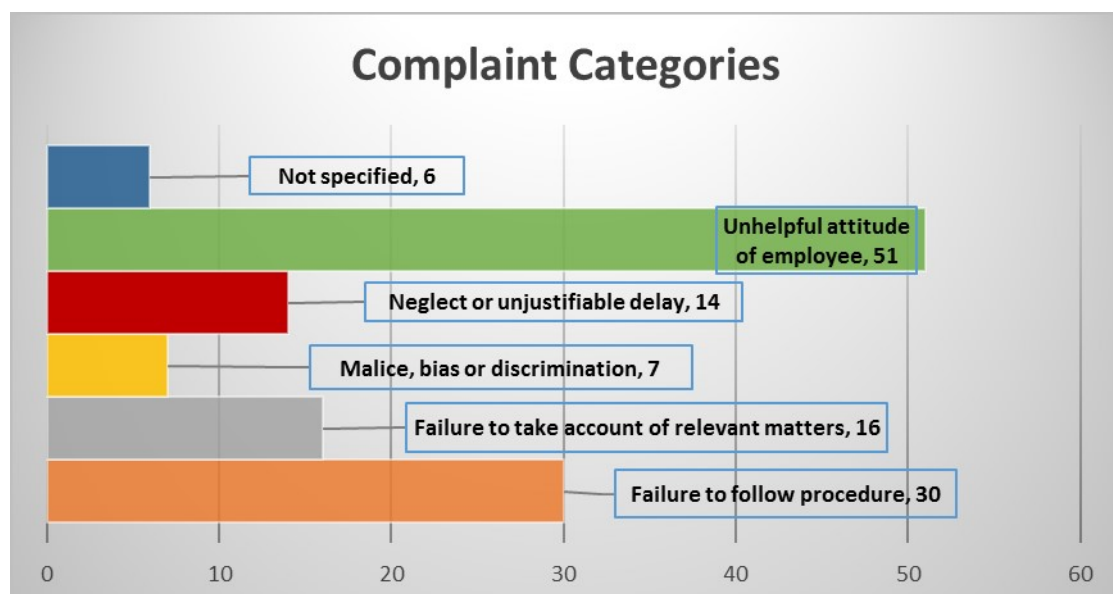


- 2.3. Of the total complaints received in 2015 - 2016, 50 were upheld or partially upheld across all Services, an overall reduction of a third compared to 2014 - 2015. A total of 9 complaints were escalated to Stage 2 across all Services, one more than in 2014 – 2015. At the end of the year 9 complaints were ongoing and/or awaiting a decision.

Service	2015-2016		2014-2015		Change	
	Upheld	Partially Upheld	Upheld	Partially Upheld	Upheld	Partially Upheld
Environmental Services	28	8	43	7	-15	+1
Governance	0	1	0	0	0	+1
Health & Housing	2	4	3	5	-1	-1
Regeneration & Planning	0	1	0	7	0	-6
Resources	0	6	3	7	-3	-1
Total	30	20	49	26	-19	-6

- 2.4. Of the total number of complaints received in 2015 – 2016 (124), 68% at Stage 1 were dealt with within 10 days of the complaint being received. This is 4% better than 2014 – 2015. Of the nine complaints escalated to Stage 2, 71% were dealt with within specified deadlines, which is 21% worse compared to 2014 – 2015. In all cases, both at Stage 1 and Stage 2, the complainant was informed that deadlines would be exceeded.
- 2.5. The table below sets out an analysis of all complaints by category type as set out in the complaints procedure:

Complaint categories	2015 - 2016	2014 - 15	Change %
Failure to follow procedure	30	45	-33%
Failure to take account of relevant matters	16	20	-20%
Malice, bias or discrimination	7	2	+250%
Neglect or unjustifiable delay	14	26	-46%
Unhelpful attitude of employee	51	42	+17%
Not specified	8	11	-27%
Total	124	146	-15%



- 2.6. The service areas that customers complained most about during 2015 – 2016 were:

Service area	Number
Waste and street cleansing	18
Repairs and Maintenance	7
Planning and enforcement	10
Council Tax and Benefits	7

To put these into some perspective during 2015 – 2016 the council carried out nearly 6.5M collections across all waste streams; undertook nearly 11,500 responsive repairs to council houses; assessed almost 1,500 planning applications; dealt with 12,000 benefit claims and sent Council Tax bills to around 65,000 domestic and 5,000 business properties.

3. LOCAL GOVERNMENT OMBUDSMAN (LGO) ENQUIRIES

- 3.1. The annual review letter from the LGO for the year ended 31 March 2016 is attached to this report. The LGO received 12 complaints and enquiries which is 10 fewer than in 2014 – 2015. Of these three were investigated (one more than in 2014 – 2015) with the other nine being:

- Incomplete or invalid (1)
- LGO advice given and case closed (1)
- Closed after initial enquiries (5)
- Referred back to the council for local resolution (2)

- 3.2. Two of the three complaints investigated by the Ombudsman were upheld against the council. One of these was upheld on the basis that whilst the LGO found fault against the council there were no grounds to say that the fault caused injustice that needed to be remedied. In the second case, the recommendations of the LGO were implemented by the council. No payments were made to the complainant in either case

- 3.3. The council properly responded to LGO enquiries and deadlines in all three cases investigated.

4. SERVICE IMPROVEMENTS AND LEARNING FROM COMPLAINTS

- 4.1. Complaints are a valuable source of customer insight and whilst the number of complaints are reducing there is scope to carry out further work with service managers to make better use of valuable feedback on customer concerns to identify root causes and prioritise service improvements.
- 4.2. Following the recent appointment of the Information Governance Manager, there is an opportunity to review current complaints procedure and monitoring arrangements to make sure that there is clarity about the responsibilities and provisions corporately as well as within Services.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report

LEGAL IMPLICATIONS

None arising from this report

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources / Information Services / Property / Open Spaces: None directly arising from this report

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

LGO Annual Review Letter
Complaints spreadsheet

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Ref: Complaints analysis 2015-16