

Subject:	Council Feedback Review and LGO Enquiries	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	16 th September 2019
Report of:	Legal Services Manager	Portfolio Holder:	Corporate Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That members note the different types of feedback received by the Council, in addition to the Local Government Ombudsman (LGO) enquiries and complaints for the period 1 st April 2018 to 31 st March 2019.

2. PURPOSE OF REPORT

- 2.1 To update members on the following types of feedback for the period 1st April 2018 to 31st March 2019:
- Compliments
 - Formal complaints
 - Local Government Ombudsman enquiries and complaints

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:
- There is a risk of damage to the Council reputation if complaints are not responded to in a timely manner. Complainants and the Ombudsman are kept up to date if there are extenuating circumstances, or if a complaint is so complex that it requires more time than usual to respond.
 - Not monitoring complaints would create a risk of not learning from experiences. Complaints are regularly reviewed via Management Team and senior managers.
 - There is risk of financial penalty should the Ombudsman find maladministration against the Council.

5. BACKGROUND AND OPTIONS

5.1 Feedback made to the Council, in the form of compliments and formal complaints (as well as Local Government Ombudsman enquiries) is a standing agenda item at Senior Management Team meetings. Reports are provided to each meeting to ensure managers are aware of any outstanding complaints that require action within their service area. Regular reminders on all live complaints are also sent to the relevant officers and managers for action.

Overview and Scrutiny Committee also receive regular updates through the Quarterly Performance Reports during the year.

Feedback on compliments is circulated in the weekly Team Rossendale messages to all staff to let them know what is working well in their service area. The Council's Senior Management Team also reviews compliments on a regular basis.

Each year the Local Government Ombudsman details the number of enquiries and complaints received and the decisions made. The Ombudsman complaints and enquiries during 2018/2019 are detailed at sections 5.7 - 5.12 with further details in Appendix 1.

All the information included in this report should be considered in the context of the Council receiving over a quarter of a million contacts from customers (via the One Stop Shop, telephone and website) in any one year.

5.2 Compliments

In the 2018/2019 period the Council received 134 compliments and a breakdown of the last 3 years figures can be found below:

2016/2017	2017/2018	2018/2019
107	93	134

5.3 An analysis of the compliments for 2018/2019 can be found below:

Compliment about:	
Action/response/communication	28
Advice/information given	8
Application processing	1
Bins/bin collection	2
Other	1
Quality of service	5
Staff member/team	89
Total	134

In relation to the three highest compliment categories a breakdown has been provided below.

Action/response/communication:

Communities - 2
Corporate Support - 5
Economic Development (includes Property Services) - 1
Environmental Health - 1
Finance - 1
Legal & Democratic (includes Elections) - 9
Operations - 2
Planning - 7

Advice/information given:

Economic Development - 1
Legal & Democratic (includes Elections) - 4
Licensing & Enforcement - 2
Planning - 1

Staff member/team:

Communities - 5
Corporate Support - 7
Economic Development (includes Property Services) - 15
Environmental Health - 2
Finance - 3
Housing - 2
Legal & Democratic (includes Elections) - 16
Licensing & Enforcement - 8
Operations - 21
People & Policy - 1
Planning - 9

During 2018/19 a basic summary of compliments received was circulated to all staff via the weekly Team Rossendale e-bulletins.

5.4 Formal Complaints

Formal complaints received by the Council are recorded and responded to by the relevant department. Officers and managers are asked to deal with customer complaints within the customer service standard of 10 working days: this is classed as a stage 1 response. Where it is not possible to send a full response within 10 working days, a holding response is sent.

Once a complaint has been responded to, the customer has the opportunity to request a review if they are not satisfied with the response: this is classed as stage 2 of the complaints process. The stage 2 review will be undertaken by a Head of Service or Director. Once a stage 2 response has been sent, if the customer still does not feel they are satisfied with the response, they can take their complaint to the Local Government Ombudsman for consideration.

In the period 2018/2019, 138 formal complaints were received by the Council.

The areas of most complaint during 2018/19 were in relation to action/ response/ communication, bins/bin collection and Council Tax charges/decision.

In relation to the 29 action/response/communication complaints:

- 13 were dealt with by Operations as follows:
 - lack of action in relation to overgrown trees, fly tipping, commercial waste bin, a replacement bin, a missed assisted bin;
 - lack of response in relation to a brown bin request, bin collection point issues, Japanese knotweed issues, land drainage issues, fly tipping issues, pest control, a missed bin;
 - a communication sent to residents.
- 4 were dealt with by Capita, one relating to the response on a Council Tax issue, one relating to a lack of response regarding a single occupancy and two relating to lack of action on a Council Tax account and one concerning a change of details.
- 3 were dealt with by Legal and Democratic Services, one relating to actions at a meeting, one relating to lack of communication regarding a subject access request and one relating to a partnership email communication.
- 2 were dealt with by Licensing & Enforcement relating to lack of responses to a licensing application and one relating to a fly tipping issue.
- 2 were dealt with by Economic Development relating to lack of a response, once concerning an industrial property and one concerning the purchase of land.
- 2 were dealt with by Planning one in relation to lack of action and one in relation to a communication on enforcement issues.
- 1 was dealt with by Finance relating to a lack of response on an enquiry concerning the LCC Council Tax element breakdown.
- 1 was dealt with by the Executive relating to lack of response on a dog control report.
- 1 was dealt with by Corporate Support relating to communications on a fly tipping issue.

In relation to the 24 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 9 relating to issues with missed bin collections
- 7 relating to non-collection owing to inconsiderate parking and/or roadworks
- 3 relating to missed assisted collections
- 2 relating to missed commercial waste collections and charges
- 1 relating to brown bin collection charges
- 1 relating to replacement green bin charges
- 1 relating to a partially missed collection point

In relation to the 12 Council Tax charges/decision complaints, there was all dealt with by Capita as follows:

- 6 were regarding the amount payable/owed
- 2 were regarding long-term empty property charges
- 1 was regarding a liability order dispute
- 1 was regarding a summons dispute
- 1 was regarding the removal of a single person discount
- 1 was regarding a dispute over the liable account holder

An analysis of the complaints over the last 3 years can be found below:

Complaint about:	2016/17		2017/18		2018/19	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	16	14.5	20	18	29	21
Advice/information given	3	2.5	3	3	6	4.35
Anti-social behavior	0	0	1	1	1	0.73
Application processing	4	3.5	2	2	3	2.2
Bailiff charges/action	2	1.5	1	1	5	3.6
Benefits processing	3	2.5	4	4	4	2.9
Bins/bin collection	9	8	23	21	24	17.4
Council decision	0	0	13	12	6	4.35
Council policy/procedure	8	7	0	0	0	0
Council Tax charges/ decision	5	4.5	7	6	12	8.7
Customer service	11	10	3	3	1	0.73
Dog fouling	0	0	1	1	0	0
Flooding/drainage	0	0	0	0	1	0.73
Footpaths	1	1	1	1	0	0
Grass cutting	0	0	0	0	1	0.73
Housing/landlord	0	0	2	2	1	0.73
Litter/ debris/ fly tipping	3	2.5	4	4	8	5.8
Neighbour dispute	0	0	0	0	2	1.45
Noise nuisance	1	1	0	0	0	0
Other	3	2.5	2	2	8	5.8
Property/ land	2	1.5	3	3	4	2.9
Quality of service	30	27.5	8	7	9	6.51
Recovery/payment of C/Tax	2	1.5	3	3	5	3.6
Signage	1	1	1	1	0	0
Staff member/ team	4	3.5	5	5	5	3.6
Time taken	1	1	2	2	1	0.73
Trees	0	0	0	0	1	0.73
Weeds	0	0	0	0	1	0.73
Total	109		109		138	

Learning and improvements

In relation to lessons learned and actions being put in place as a result of previous formal complaints the following has been noted during the 2018/19 period:

- Following changes to the waste/recycling rounds in 2018 the Council has started to modernise the technology available to the section, which includes the integration of in-cab technology and the installation of CCTV on vehicles. These technologies will be able to assist the Corporate Support team and back office team in resolving issues more efficiently before they are escalated to formal complaints.
- The Operations Team has introduced collection points where refuse and recycling services access has been regularly affected to ensure that collections are made. In addition, new narrow bodied vehicles have been introduced to the fleet that have rear steering capability, thus enabling the teams with the new vehicles to manoeuvre more effectively, reducing both accident damage and instances of missed collections. This new type of vehicle will also be rolled out for future procurement of refuse collection vehicles.
- Complaints regarding parks and open spaces has been addressed, with the staff this year increasing their summer hours and reducing their winter hours. This means the Council has greater coverage from staff during the peak growing season, enabling them to tackle the types of maintenance issues that have historically been a problem for the Council.
- One of the Litter /debris/ flytipping complaints is now subject to further investigation and enforcement action, and in relation to another complaint of this nature it has been noted that earlier contact with the land owner is needed.
- An antisocial behavior complaint was referred to Together Housing for action.
- The purchase lease rental process has been reviewed and a new enquiry framework is now in place that is being followed by the new Economic Development and Property Services Team, which has also recently recruited two new staff members.
- The importance of regularly reviewing in-house procedures has been highlighted to ensure processes are still relevant and to keep them updated accordingly. It is also important to ensure that where possible a casework handover is completed to assist with business continuity in instances where a member of staff is leaving the authority.
- The Council's website and Complaints, Compliments and Feedback Procedure have been amended to make it clearer about how to make contact by telephone.
- A procedure has been changed as a result of a complaint so that when someone is setting up a Direct Debit to pay Council Tax arrears, the Direct Debit is set up for future years' payments on the account, rather than reverting back to cash payments for the next annual bill.

5.5 During 2018/2019 the average number of working days taken to deal with complaints was 6.5 days, which is within the expected customer service standard of 10 working days. This is an improvement of 3 days when compared with 2017/2018.

5.6 Out of the 138 complaints received in 2018/2019, 114 cases were resolved at stage 1. There were 24 stage 2 reviews. Out of these 24 cases, 3 were subsequently referred on to the Ombudsman by the complainant.

5.7 **Local Government Ombudsman Enquiries and Complaints**

The Local Government Ombudsman (LGO) provides an Annual Summary of complaints they have received against the Council each year. Members must note that the Ombudsman does not normally notify the Council of all contact (such as when advice is given, or if it is something at the pre-enquiry stage). In the majority of cases the Council finds out about a case once a decision has been made or if the Ombudsman requests additional information as part of the investigation.

The Ombudsman explains how they categorise complaints and enquiries below:

- **Invalid or incomplete.** We were not given enough information to consider the issue.
- **Advice given.** We provided early advice or explained where to go for the right help.
- **Referred back for local resolution.** We found the complaint was brought to us too early because the organisation involved was not given the chance to consider it first.
- **Closed after initial enquiries.** We assessed the complaint but decided against completing a full investigation. This might be because the law says we're not allowed to investigate it, or because it would not be an effective use of public funds if we did.
- **Upheld.** We completed a detailed investigation and found evidence of fault, or we found the organisation accepted fault early on.
- **Not upheld.** We completed a detailed investigation but did not find evidence of fault.

5.8 The Liaison Officer provides regular updates to the Committee and Member Services Manager on open investigations. When investigations are opened, regular update meetings take place between the Liaison Officer and the Monitoring Officer to discuss deadlines and any issues which may arise. A report is also provided to every Senior Management Team Meeting for the Chief Executive, Heads of Service and Senior Managers to monitor. Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which are scrutinised by the Overview and Scrutiny Committee.

5.9 During 2018/2019 the Ombudsman received 18 complaints about this authority of which:

- 1 was incomplete/invalid. The Ombudsman has not provided any information relating to why it fell into this category and the Council was not made aware of this complaint.
- 8 were referred back to the authority (to go through the Council complaints process). The Council is only aware of 5 referrals coming back through the complaints system, this is because the Ombudsman does not notify the authority of all the referrals. It is also up to the complainant to decide whether they wish to continue to pursue their complaint following receiving advice from the Ombudsman enquiry service.
- 4 were closed after initial enquiries because there was no injustice.
- 2 were upheld following investigation.
- 1 was not upheld following investigation.
- 2 remained open (as at 1st April 2019). These have now been closed and a decision issued by the Ombudsman, which will be reported in the 2019/20 report.

The Ombudsman made the Council aware of 14 of the 18 complaints they received in 2018/2019 (78%).

5.10 The Local Government Ombudsman made decisions on 19 complaints during 2018/2019 as detailed below:

- 1 was incomplete/invalid.
- 8 were referred back to the authority (to go through the Council complaints process).
- 7 were closed after initial enquiries because there was no injustice (3 carried over from 2017/18).
- 3 complaints were investigated: 2 were upheld and 1 was not upheld.

The Ombudsman made the Council aware of 15 of the 19 decisions made in 2018/2019 (79%).

5.11 Of the 3 investigations on which decisions were made in 2018/2019, 1 concerned Environmental Services & Public Protection & Regulation (upheld) and 2 concerned Corporate & Other Services (1 upheld and 1 not upheld).

In relation to the upheld Environmental Services & Public Protection & Regulation complaint, the Ombudsman found that there had been fault on the part of the Council in relation to the Council not being clear about phone contact in relation to its services. The Council's website was updated during the investigation and the Complaints, Compliments and Feedback Procedure was also updated to ensure that the issue is not likely to occur again.

The upheld Corporate & Other Services complaint concerned rent and council tax. The Ombudsman acknowledged that the Council had already made payment to remedy the complaint, but recommended a further payment of £457.84 be made to reflect the time and trouble taken pursuing the complaint. As a result of this decision, it is planned to ensure a handover is completed upon the departure of a member of staff to address business continuity and ensure responses are sent in a timely manner in relation to on-going matters.

The other Corporate & Other Services complaint was in relation to the removal of a Land Registry restriction on a property. This complaint was not upheld and there was no fault found in the Council's actions.

5.12 Comparisons with 2018/2019 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2016/2017	2017/2018	2018/2019
Received	22	12	18
Decisions made	20	12	19

Complaint category:	2016/2017	2017/2018	2018/2019
Benefits and Tax	8	5	4
Corporate and other services	2	3	4
Environmental Services & Public Protection & Regulation	6	1	6
Highways and transport	1	0	0
Housing	0	2	1
Planning & Development	5	1	3
Total	22	12	18

Decisions made:	2016/2017	2017/2018	2018/2019
Referred back for local resolution	10	4	8
Closed after initial enquiries	4	4	7
Incomplete/invalid	0	1	1
Investigated: Upheld	1	2	2
Investigated: Non Upheld	2	1	1
Total	20	12	19

The Ombudsman has provided the information at Appendix 1 which shows the breakdown of complaints received and the decisions made. This additional information provides details concerning the number of cases and reference numbers, and assists the Council in matching up the cases that the Ombudsman has informed the Council of. The Council is appreciative of this information which enables the data to be analysed.

For 2018/19 the Ombudsman has issued a new report on compliance. In relation to the late compliance detailed in Appendix 1, this was owing to ongoing discussions and a further meeting with the Ombudsman regarding a dispute with part of the complaint, which was subsequently resolved. The Ombudsman has reported that the Council has complied with 100% of the recommendations made.

It is excellent that there have been only 3 investigated complaints during 2018/19 which remains low similar to 2016/17 and 2017/18, especially bearing in mind the amount of contact the Council has with its customers on an annual basis. It is also good to note that no reports were issued during this period.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 The Council faces the risk of financial penalty should the Ombudsman find maladministration against the Council in any existing or future complaints. During the period 2018/2019 the Ombudsman has awarded one penalty against the Council with a total value of £457.84.

7. MONITORING OFFICER

7.1 The legal implications have been included within the report. In addition to Ombudsman investigations, the Monitoring Officer has statutory responsibility to consider and, where necessary, investigate illegality, maladministration or statutory breaches which may, in turn, also be reported to the Council.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 There are no HR implications.

8.2 Consultation carried out with Committee and Member Services, Legal Team, Portfolio Holder, Senior Management Team and Managers.

9. CONCLUSION

9.1 The Council welcomes customer feedback in order to make continuous improvements to its services. Services are also improved through reviewing formal complaints and identifying learning outcomes. Senior Management Team regularly reviews this information in order to further develop and shape Council services.

9.2 It is important to consider these figures in the context of the number of contacts from customers and services delivered in any 12 month period, for example:

- the Council has 32,099 Council Tax accounts, 2,774 NNDR accounts and 5982 benefit claimants.
- each year the Council provides a collection for 858,000 paper and cardboard collections, 858,000 glass, tins, cans and plastic collections, 858,000 general waste collections and 119,000 garden waste collections.

9.3 It is particularly pleasing to note the following:

- the improvement in the average number of days taken to respond to complaints during 2018/19, which was with the 10 working day response deadline and an improvement of 3 working days.
- the increase in the number of compliments the Council receives, despite the on-going financial challenges the Council faces.

Background Information

Document	Place of Inspection
2016/17 Report Item E1:	https://www.rossendale.gov.uk/meetings/meeting/1040/overview_and_scrutiny_committee
2017/18 Report Item F2:	https://www.rossendale.gov.uk/meetings/meeting/1083/overview_and_scrutiny_committee