

<b>Subject:</b>	Council Feedback Review and LGO Enquiries	<b>Status:</b>	For Publication
<b>Report to:</b>	Overview and Scrutiny Committee	<b>Date:</b>	14 <sup>th</sup> September 2020
<b>Report of:</b>	Legal Services Manager	<b>Portfolio Holder:</b>	Corporate Services
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That Overview and Scrutiny Committee 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 <sup>st</sup> April 2019 to 31 <sup>st</sup> March 2020.
1.2	The Overview and Scrutiny Committee is invited to comment on the report and provide feedback to Council's Corporate Management Team.

## 2. PURPOSE OF REPORT

- 2.1 To update committee members on the following types of feedback for the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020:
- Compliments
  - Formal complaints
  - Local Government Ombudsman enquiries and complaints

## 3. BACKGROUND

- 3.1 Feedback made to the Council in the form of compliments and formal complaints (as well as Local Government Ombudsman enquiries) is a monthly agenda item at Management Team meetings. Reports are provided 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 throughout the year.

Feedback on compliments is circulated in the weekly messages to all staff to let them know what is working well in their service area. The Council's Corporate Management Team also review 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 2019/2020 are detailed at sections 3.9 - 3.14 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.

### 3.2 **Compliments**

3.3 In the 2019/2020 period the Council received 91 compliments and a breakdown of the last 3 years' figures can be found below:

<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>
93	134	91

3.4 An analysis of the compliments for 2019/2020 can be found below:

<b>Compliment about:</b>	
Action/response/communication	2
Bins/bin collection	1
Customer Service	2
Quality of service	6
Staff member/team	80
<b>Total</b>	<b>91</b>

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

#### **Quality of service:**

Corporate Support - 1  
Operations - 5

#### **Staff member/team:**

Capita – 3  
Communities - 7  
Corporate Support - 20  
Economic Development (includes Property Services) - 8  
Environmental Health - 1  
Finance - 3  
Housing - 3  
Legal & Democratic (includes Elections) - 5  
Licensing & Enforcement - 6  
Operations - 23  
People & Policy - 1

During 2019/20 a basic summary of compliments received was circulated to all staff via the weekly Team Rossendale e-bulletins.

### 3.5 **Formal Complaints**

The Council deals with a significant amount of contact on a daily basis and each department has their own system for dealing with customer contact. The majority of this contact is in relation to service requests, rather than formal complaints. Formal complaints are classed as a serious expression of dissatisfaction and usually occur when a customer has reported something, but they are not happy with the response, the outcome or action.

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 2019/2020, 135 formal complaints were received by the Council.

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

Complaint about:	2017/18		2018/19		2019/20	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	20	18	29	21	22	16.30
Advice/information given	3	3	6	4.35	3	2.22
Anti-social behavior	1	1	1	0.73	1	0.74
Application processing	2	2	3	2.2	2	1.48
Bailiff charges/action	1	1	5	3.6	2	1.48
Benefits processing	4	4	4	2.9	2	1.48
Bins/bin collection	23	21	24	17.4	40	29.63
Council decision	13	12	6	4.35	20	14.81
Council policy/procedure	0	0	0	0	1	0.74
Council Tax charges/ decision	7	6	12	8.7	7	5.19
Customer service	3	3	1	0.73	3	2.22
Dog fouling	1	1	0	0	0	0
Flooding/drainage	0	0	1	0.73	0	0
Footpaths	1	1	0	0	0	0
Grass cutting	0	0	1	0.73	1	0.74
Housing/landlord	2	2	1	0.73	0	0
Litter/ debris/ fly tipping	4	4	8	5.8	2	1.48
Neighbour dispute	0	0	2	1.45	0	0
Other	2	2	8	5.8	9	6.67
Property/ land	3	3	4	2.9	0	0
Quality of service	8	7	9	6.51	10	7.41
Recovery/payment of C/Tax	3	3	5	3.6	3	2.22
Signage	1	1	0	0	0	0
Staff member/ team	5	5	5	3.6	6	4.45
Time taken	2	2	1	0.73	0	0
Trees	0	0	1	0.73	1	0.74
Weeds	0	0	1	0.73	0	0
<b>Total</b>	<b>109</b>		<b>138</b>		<b>135</b>	

The areas of most complaint during 2019/20 were in relation to action/ response/ communication, bins/bin collection and Council decision.

In relation to the 22 action/response/communication complaints:

- 12 were dealt with by Operations as follows:
  - lack of action in relation to waste collection, littering, flytipping, bulky waste collection, extra waste bag delivery, a canopy repair and bins left out by residents blocking the footpath;
  - lack of response in relation to pest control and waste collection (3);
  - a communication regarding contaminated waste.
- 3 were dealt with by Capita, one relating to a communication for Council Tax owed, one relating to the actions taken in dealing with a Council Tax claim and one relating to a communication regarding outstanding claim evidence.
- 2 were dealt with by Legal and Democratic Services, one relating to lack of response to a service request and one relating to a letter which had not been received.
- 1 was dealt with by Licensing & Enforcement relating to an abandoned vehicle communication.
- 1 was dealt with by Economic Development regarding lack of a response in relation to a property.
- 2 were dealt with by Planning relating to lack of response to planning enforcement requests.
- 1 was dealt with by Corporate Support relating to lack of response to a service request.

In relation to the 40 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 23 relating to issues with missed bin collections
- 7 relating to missed assisted collections
- 3 relating to non-collection owing to contamination
- 2 relating to a missed collection point
- 1 relating to movement of bins to access the next property's bins
- 1 relating to non-collection owing to inconsiderate parking
- 1 relating to the timing of a school collection
- 1 relating to an assisted bin not returned to the correct location
- 1 relating to bin collection with no PPE or social distancing in wagons

In relation to the 20 Council decision complaints, these were dealt with as follows:

- 13 were dealt with by Planning one in relation to a planning approval, one in relation to a planning refusal and 11 regarding a planning committee decision relating to a housing development.
- 7 were dealt with by Operations in relation to changes to rural waste collection points.

### 3.6 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 2019/20 period:

- Following a land purchase complaint, the purchase lease rental process was

extensively reviewed during 2019/20 and a new process implemented. This process was recently audited, which found that the revised process was robust.

- Following a complaint, a procedural review has been undertaken for insurance claims.

3.7 During 2019/2020 the average number of working days taken to deal with complaints was 8.75 days, which is within the expected customer service standard of 10 working days.

3.8 Out of the 135 complaints received in 2019/2020, 111 cases were resolved at stage 1. There were 24 stage 2 reviews. Out of these 24 cases, 7 were subsequently referred on to the Ombudsman by the complainant.

### 3.9 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.

3.10 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 monthly report is also provided to Management Team meetings for the Chief Executive, Directors and Heads of Service to monitor. Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which are scrutinised by the Overview and Scrutiny Committee.

3.11 During 2019/2020 the Ombudsman received 23 complaints about this authority of which:

- 14 were referred back to the authority (to go through the Council complaints process). The Council is only aware of 2 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.
- 1 was closed because it was incomplete.
- 1 was closed after initial enquiries because there was no injustice/service failure.
- 1 initial enquiry was still open (as at 1<sup>st</sup> April 2020).
- 1 was upheld following investigation.

- 3 were not upheld following investigation.
- 2 investigations remained open (as at 1<sup>st</sup> April 2020). These have been issued with a draft decision and the final decision will be reported in the 2020/21 report.

The Ombudsman made the Council aware of 11 of the 23 complaints they received in 2019/2020 (48%).

3.12 The Local Government Ombudsman made decisions on 22 complaints during 2019/2020 as detailed below:

- 14 were referred back to the authority (to go through the Council complaints process).
- 1 was closed because it was incomplete.
- 1 was closed after initial enquiries because there was no injustice/service failure.
- 6 complaints were investigated: 2 were upheld and 4 not upheld.

The Ombudsman made the Council aware of 10 of the 22 decisions made in 2019/2020 (45%).

3.13 Of the 6 investigations on which decisions were made in 2019/2020, 3 concerned Environmental Services & Public Protection & Regulation (1 upheld and 2 not upheld), 2 concerned Planning & Development (1 upheld and 1 not upheld), and 1 concerned Corporate & Other Services (not upheld).

In relation to the upheld Environmental Services & Public Protection & Regulation complaint, the Ombudsman found that there had been avoidable delay in progressing a customer's insurance claim. To remedy the matter, the Council issued an apology and £300 in recognition of the delay, as well as passing the matter to the Council's insurers for a response. A review of the process for insurance claims has also been conducted.

In relation to the upheld Planning & Development complaint the Ombudsman found that the Council had failed to ensure it retained planning control on a development behind a property and missed an opportunity to regularise the development. However, the Ombudsman noted that the Council reached a decision not to take enforcement action through due process and had no duty to inspect the development afterwards, as it had not been the inspector for Building Regulations. To remedy the matter, the Council issued an apology and £5,000 compensation to recognise the impact on the customer's amenity. It also undertook a review of planning application and enforcement processes.

3.14 Comparisons with 2019/2020 Ombudsman complaints and enquiries are as follows:

<b>Ombudsman Complaints and Enquiries:</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/20</b>
Received	12	18	23
Decisions made	12	19	22

<b>Complaint category:</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/20</b>
Benefits and Tax	5	4	2
Corporate and other services	3	4	0
Environmental Services & Public Protection & Regulation	1	6	10
Housing	2	1	0

Planning & Development	1	3	11
<b>Total</b>	<b>12</b>	<b>18</b>	<b>23</b>

<b>Decisions made:</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>
Referred back for local resolution	4	8	14
Closed after initial enquiries	4	7	1
Incomplete/invalid	1	1	1
Investigated: Upheld	2	2	2
Investigated: Non Upheld	1	1	4
<b>Total</b>	<b>12</b>	<b>19</b>	<b>22</b>

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 2019/20 the Ombudsman has reported that the Council has complied with 100% of the recommendations made.

It is also good to note that no public interest reports were issued during this period and the number of upheld complaints also remains low, especially bearing in mind the amount of contact the Council has with its customers on an annual basis.

- 3.15 Council feedback impacts directly on all Council's the corporate priorities and consultation has been carried out with managers, Corporate Management Team and Portfolio Holder.

#### **Covid-19 Impact**

- 3.16 The Covid-19 outbreak took place during the final two weeks of the 2019/2020 period and as such the impact on the figures and targets was minimal during this period. Whilst prioritising the work in response to the outbreak, the Council has sought to continue to deal with enquiries and respond to complaints in a timely manner during this period.

On 25<sup>th</sup> March 2020 the Ombudsman suspended all casework activity that demanded information from, or action by local authorities to enable them to respond to the Covid-19 outbreak. This work was suspended until 29<sup>th</sup> June 2020. This casework activity has since resumed and any open cases have been carried forward into the 2020/21 period.

#### **4. RISK**

- 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. FINANCE

5.1 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 2019/2020 the Ombudsman has awarded two penalties against the Council with a total value of £5,300.

## 6. LEGAL

6.1 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.

## 7. POLICY AND EQUALITIES IMPLICATIONS

7.1 There are no policy or equalities implications.

## 8. CONCLUSION

8.1 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. Management Team regularly reviews this information in order to further develop and shape Council services.

8.2 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 32,161 Council Tax accounts, 2,775 NNDR accounts and 5857 benefit claimants.
- each year the Council provides a collection for 857,792 paper and cardboard collections, 857,116 glass, tins, cans and plastic collections, 882,102 general waste collections and 139,815 garden waste collections.
- The Economic Development and Property Services Team led on around 15 projects during 2019/20 as well as managing the Councils 1,500 commercial assets. As such only receiving 2 complaints despite the high volume and complexity of work shows that the unit delivers a high quality service and is generally valued by the people and businesses supported.

8.3 It is particularly pleasing to note the following:

- the average number of days taken to respond to complaints during 2019/20, which was within the 10 working day response deadline.
- the number of compliments the Council receives, despite the on-going financial challenges the Council faces.
- the continued commitment to responding to enquiries and complaints during the Covid-19 outbreak.

Background Information	
Document	Place of Inspection
2017/18 Report Item F2:	<a href="https://www.rossendale.gov.uk/meetings/meeting/1083/overview_and_scrutiny_committee">https://www.rossendale.gov.uk/meetings/meeting/1083/overview_and_scrutiny_committee</a>
2018/19 Report Item D2:	<a href="https://www.rossendale.gov.uk/meetings/meeting/1160/overview_and_scrutiny_committee">https://www.rossendale.gov.uk/meetings/meeting/1160/overview_and_scrutiny_committee</a>