

Subject:	Annual Council Feedback Review and Local Government Ombudsman (LGO) Enquiries	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	13 th September 2021
Report of:	Head of Legal	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
Contact Officer:	Carolyn Sharples	Telephone:	01706 252422
Email:	carolynsharples@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
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 st April 2020 to 31 st March 2021.
1.2	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 1st April 2020 to 31st March 2021:
- 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 bi-monthly agenda item at Corporate Management Team meetings. Reports are provided to ensure managers are aware of any outstanding complaints that require action within their service area. Weekly reminders on all live complaints are also sent to the relevant officers and managers for action.

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

Each year the Local Government Ombudsman details the number of enquiries and complaints received and the decisions made. The Ombudsman complaints and enquiries during 2020/2021 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 amount of contact the Council receives each year from its customers (via the One Stop Shop, telephone and website).

3.2 **Compliments**

3.3 In the 2020/2021 period the Council received 145 compliments and a breakdown of the last 3 years' figures can be found below:

2018/2019	2019/2020	2020/2021
134	91	145

3.4 An analysis of the compliments for 2020/2021 can be found below:

Compliment about:	
Action/response/communication	9
Bins/bin collection	2
Quality of service	11
Staff member/team	123
Total	145

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

Quality of service:

Communities – 2

Information Communication Technology (ICT) - 1

Legal and Democratic Services (includes Elections and Land Charges) - 2

Operations - 6

Staff member/team:

Capita – 2

Communities - 1

Corporate Support – 16

Councillor - 7

Economic Development - 21

Environmental Health - 5

Finance - 1

Housing - 2

Legal and Democratic Services (includes Elections and Land Charges) - 9

Operations - 49

People and Policy (includes Facilities) – 1

Planning – 4

Public Protection Unit (PPU) - 5

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 2020/2021, 156 formal complaints were received by the Council.

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

Complaint about:	2018/19		2019/20		2020/21	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	29	21	22	16.30	24	15.38
Advice/information given	6	4.35	3	2.22	3	1.93
Anti-social behavior	1	0.73	1	0.74	0	0
Application processing	3	2.2	2	1.48	2	1.28
Bailiff charges/action	5	3.6	2	1.48	0	0
Benefits processing	4	2.9	2	1.48	3	1.93
Bins/bin collection	24	17.4	40	29.63	56	35.90
Council decision	6	4.35	20	14.81	4	2.56
Council policy/procedure	0	0	1	0.74	2	1.28
Council Tax charges/ decision	12	8.7	7	5.19	1	0.64
Customer service	1	0.73	3	2.22	0	0
Flooding/drainage	1	0.73	0	0	0	0
Grant Funding	0	0	0	0	8	5.13
Grass cutting	1	0.73	1	0.74	2	1.28
Housing/landlord	1	0.73	0	0	1	0.64
Litter/ debris/ fly tipping	8	5.8	2	1.48	15	9.62
Neighbour dispute	2	1.45	0	0	0	0
Noise nuisance	0	0	0	0	1	0.64
Other	8	5.8	9	6.67	5	3.21
Property/ land	4	2.9	0	0	6	3.85
Quality of service	9	6.51	10	7.41	4	2.56
Recovery/payment Council Tax	5	3.6	3	2.22	4	2.56
Staff member/ team	5	3.6	6	4.45	10	6.41
Time taken	1	0.73	0	0	2	1.28
Trees	1	0.73	1	0.74	2	1.28
Weeds	1	0.73	0	0	1	0.64
Total	138		135		156	

The areas of most complaint during 2020/21 were in relation to bins/bin collection and action/ response/ communication.

In relation to the 56 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 34 issues with missed bin collections
- 4 missed assisted collections
- 3 relating to the removal of surplus bins
- 3 bins not being returned to the correct location
- 2 non-collections owing to contamination
- 2 issues with bin replacements
- 2 issues with bulky collections
- 2 neighbour disputes (bins/excess rubbish left outside neighbouring properties)
- 1 relating to damage caused by a collection vehicle
- 1 relating to debris left following by a collection
- 1 relating to the amount of communal waste containers in a housing complex
- 1 relating to blocking a driveway during a collection

In relation to the 24 action/response/communication complaints:

- 8 were dealt with by Operations as follows:
 - 1 lack of action in relation to a service request regarding a communal bin;
 - 7 lack of responses relating to service requests, these concerned an enquiry, flytipping, green bin replacement, removal of a dead animal, overhanging trees, missed blue bin and bin lid repair.
- 5 were dealt with by Capita as follows:
 - 2 regarding an action (Council Tax error and Direct Debit cancellation);
 - 2 lack of action in relation to communications notifying of changes;
 - 1 lack of response to a business rates billing enquiry.
- 3 were dealt with by Planning as follows:
 - 2 lack of responses relating to service requests, these concerned a Planning Pre-application and a breach of planning communication.
 - 1 lack of action regarding a breach of planning.
- 2 were dealt with by Legal and Democratic Services, one relating to lack of response to a service request (Land Charges search) and one relating to an action (the way a complaint had been handled).
- 2 were dealt with by Property Services relating to lack of responses, these concerned a request to purchase land and the response to a letter sent.
- 1 was dealt with by Communities and concerned lack of action following a change.
- 1 was dealt with by Finance regarding lack of response to a grant application.
- 1 was dealt with by Information Communication Technology (ICT) regarding lack of a response to a reported issue with the website.
- 1 was dealt with by the Public Protections Unit (PPU) concerning lack of action following a noise complaint.

3.6 Learning and improvements

In relation to lessons learned and further improvements being made as a result of customer feedback, the following has been noted during the 2020/21 period:

- The Council has established an appointment process to enable customers to book slots

to speak to a specialist in the One Stop Shop.

- The Council has set up virtual meetings for customers who are able to access services via digital means.
- A process has been created to enable customers to post hard copy documents to the One Stop Shop, who will then scan the documents to the customers records. This supports customers who have no computer access (digital inclusion).
- The One Stop Shop has remained open for vulnerable customers during the covid pandemic.
- This year the Operations Team has identified that additional capacity at supervisory level would be beneficial with regards to responses and communications and have appointed to a 6 month position.
- Following complaints made to the Ombudsman, an additional review of the health and safety risk assessment for remote waste collection was conducted and the Council also liaised with Lancashire County Council regarding new waste collection points along the main roads.

3.7 During 2020/2021 the average number of working days taken to deal with complaints was 13.5 days, which is longer than the expected customer service standard of 10 working days. Response times continue to be monitored and staff customer service training has commenced with further training sessions planned.

3.8 Out of the 156 complaints received in 2020/2021, 138 cases were resolved at stage 1. There were 18 stage 2 reviews. Out of these 18 cases, 4 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 updates are provided to the Monitoring Officer to discuss deadlines and any issues which may arise. A bi-monthly report is also provided to Corporate 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 2020/2021 the Ombudsman received 7 enquiries/complaints about this authority of which:

- 2 were referred back to the authority (to go through the Council complaints process). The Council is only aware of 1 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/invalid. The Council is not aware of this complaint as the Ombudsman does not notify of all closures following them giving advice to the complainant.
- 3 were closed after initial enquiries because there was no injustice/service failure.
- 1 investigation remained open (as at 1st April 2021). This has since been issued with a decision and the final decision will be reported in the 2021/22 annual report.

The Ombudsman made the Council aware of 5 of the 7 complaints they received in 2020/2021 (71%).

3.12 The Local Government Ombudsman made decisions on 9 complaints during 2020/2021 as detailed below:

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

The Ombudsman made the Council aware of 7 of the 9 decisions made in 2020/2021 (78%).

3.13 All of the 3 investigations on which decisions were made in 2020/2021 concerned Environmental Services & Public Protection & Regulation (2 upheld, 1 not upheld).

In relation to the 2 upheld Environmental Services & Public Protection & Regulation complaints, the Ombudsman found that in both cases there had been fault in how the Council handled and communicated changes to its remote waste collection service, however there was only injustice in one of the cases concerned. To remedy the injustice, the Council issued an apology, undertook an additional review of the health and safety risk assessment and liaised with Lancashire County Council and informed them of the new waste collection points.

3.14 Comparisons with 2020/2021 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2018/19	2019/20	2020/21
Received	18	23	7
Decisions made	19	22	9

Complaint category:	2018/19	2019/20	2020/21
Benefits and Tax	4	2	2
Corporate and other services	4	0	1
Environmental Services & Public Protection & Regulation	6	10	4
Housing	1	0	0
Planning & Development	3	11	0
Total	18	23	7

Decisions made:	2018/19	2019/20	2020/21
Referred back for local resolution	8	14	2
Closed after initial enquiries	7	1	3
Incomplete/invalid	1	1	1
Investigated: Upheld	2	2	2
Investigated: Non Upheld	1	4	1
Total	19	22	9

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 2020/2021 the Ombudsman has reported that the Council has complied with 100% of the recommendations made.

It is good to note that the number of enquires received and decisions issued by the Ombudsman has more than halved during 2020/21, however it must be noted that the Ombudsman suspended their work for almost 3 months during the 2020/21 period as detailed at 3.16.

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 the Portfolio Holder.

Covid Impact

- 3.16 The covid outbreak took place during the final two weeks of the 2019/2020 period and continued into the 2020/2021 period. On 25th March 2020 the Ombudsman suspended all casework activity until 29th June 2020 to enable local authorities to respond to the outbreak. Casework activity subsequently resumed and any open cases from the 2019/2020 period were carried forward into the 2020/21 period.

Although the Ombudsman suspended their casework during this period, the Council continued to deal with enquiries, whilst prioritising its work in response to the covid outbreak.

4. RISK

- 4.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:
- There is a risk of damage to the Council's 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 Corporate Management Team and by service area 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 2020/2021, the Ombudsman did not award any financial penalties against the Council.

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. Corporate 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, and in 2020/21 in particular as a result of the covid pandemic. For example, over the last year:
- the Council has 32,281 Council Tax accounts, 2,809 NNDR accounts and 5,765 benefit claimants.
 - the Council received 67,643 telephone calls and 18,047 completed web forms in addition to other forms of contact.
 - each year the Council provides 845, 273 domestic paper and cardboard collections, 845, 273 of domestic glass, tins, cans and plastic collections, 856,882 domestic general waste collections and 149, 760 domestic garden waste collections. The Council has 370 businesses that it collects their waste from, with 229 of those businesses having a separate recycling collection, the frequency of collection is to suit the customer and ranges from twice a week to fortnightly.
 - during 2020/21 the Council completed 2681 bulky waste requests from customers and delivered/removed 4471 bins of which 3600 were for recycling.
 - over 680 litter bins are emptied either twice a week or daily.
 - the Council has attended 1380 reports of fly tipping.
 - there is approx. 284 km of adopted road and 362km of adopted footpaths and the main roads/footpaths are now swept every two weeks and the other roads/footpaths

every 9 weeks. Towards the end of the autumn period there are also dedicated routes to deal with the leaf fall.

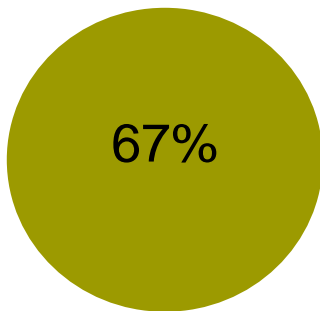
- Economic Development has a strong reputation with stakeholders and businesses. The number of compliments demonstrates the quality of our services; particularly our business support service led by the Business Advisor.
- The Council has processed and paid c£27m in grants to Rossendale businesses to help them through the covid pandemic.

8.3 It is particularly pleasing to note the following:

- the significant rise in the number of compliments the Council has received this year, despite the on-going financial challenges and covid response challenges the Council has faced.
- the low number of enquires and Ombudsman investigations during 2020/21

Background Information	
Document	Place of Inspection
2018/19 Report Item D2:	https://www.rossendale.gov.uk/meetings/meeting/1160/overview_and_scrutiny_committee
2019/20 Report Item D1:	https://www.rossendale.gov.uk/meetings/meeting/1222/overview_and_scrutiny_committee

Complaints upheld



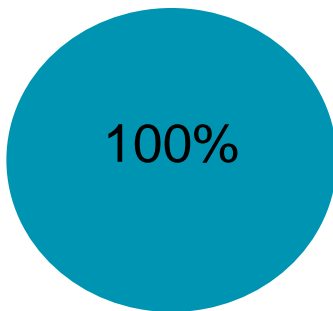
67% of complaints we investigated were upheld.

This compares to an average of **53%** in similar authorities.

2
upheld decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations



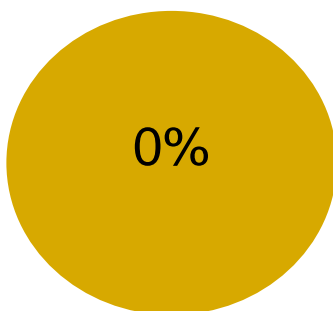
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 1 compliance outcome for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **16%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Received

Reference	Authority	Category	Received
20000383	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	05 Jun 2020
20002084	Rossendale Borough Council	Corporate & Other Services	22 Jul 2020
20002435	Rossendale Borough Council	Benefits & Tax	28 Jul 2020
20002821	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	04 Aug 2020
20005234	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	29 Sep 2020
20007556	Rossendale Borough Council	Benefits & Tax	05 Nov 2020
20002676	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	04 Sep 2020

Decided

Reference	Category	Decided	Decision	Decison Reason	Remedy
19011641	Environmental Services & Public Protection & Regulation	06 Aug 2020	Upheld	mal no inj	
19012692	Environmental Services & Public Protection & Regulation	30 Jul 2020	Upheld	mal & inj	Apology,New appeal/review or reconsidered decision
19019795	Environmental Services & Public Protection & Regulation	09 Sep 2020	Not Upheld	no mal	
20000383	Environmental Services & Public Protection & Regulation	05 Jun 2020	Incomplete/Invalid	Insufficient information to proceed and PA advised	
20002084	Corporate & Other Services	08 Mar 2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation	
20002435	Benefits & Tax	02 Sep 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure	
20002821	Environmental Services & Public Protection & Regulation	04 Aug 2020	Referred back for local resolution	Premature Decision - advice given	
20005234	Environmental Services & Public Protection & Regulation	10 Nov 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure	
20007556	Benefits & Tax	04 Dec 2020	Referred back for local resolution	Premature Decision - referred to BinJ	

Compliance

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
19012692	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	30-Jul-20	Apology New appeal/review or reconsidered decision	30-Aug-20	01-Sep-20	Remedy complete and satisfied