

Subject:	Annual Council Feedback Review and Local Government Ombudsman (LGO) Enquiries	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	21 st September 2022
Report of:	Head of Legal	Portfolio Holder:	Environment and 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:	Yes/No	Attached: Yes/No
Biodiversity Impact Assessment:	Required:	Yes/No	Attached: Yes/No
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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 1st April 2021 to 31st March 2022.
- 1.2 Overview and Scrutiny Committee is invited to comment on the report and provide feedback to Council's Corporate Management Team.

2. EXECUTIVE SUMMARY

- The report updates committee members on the following types of feedback for the period 1st April 2021 to 31st March 2022:
 - Compliments
 - Formal complaints
 - Ombudsman enquiries and complaints
- There were 123 compliments with the highest number of compliments being about a staff member or a team.
- There were 108 formal complaints with the highest number being about bins or bin collections.
- There were 13 Ombudsman enquiries and 13 Ombudsman decisions.

3. BACKGROUND

The terms of reference of the Overview and Scrutiny committee require the committee to monitor complaint handling, monitor Ombudsman complaints as well the Council's performance.

4. DETAILS

- 4.1 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 2021/2022 are detailed at sections 4.9 - 4.14 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).

4.2 **Compliments**

4.3 In the 2021/2022 period the Council received 123 compliments and a breakdown of the last 3 years' figures can be found below:

2019/2020	2020/2021	2021/2022
91	145	123

4.4 An analysis of the compliments for 2021/2022 can be found below:

Compliment about:	
Action/response/communication	3
Advice given	1
Bins/bin collection	2
Customer service	1
Quality of service	10
Staff member/team	106
Total	123

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

Quality of service:

Communities - 1
 Economic Development - 5
 Environmental Health - 1
 Operations - 2
 Planning - 1

Staff member/team:

Capita – 4
 Corporate Support – 7
 Economic Development - 26
 Environmental Health - 3
 Finance - 1
 Housing - 7
 Legal and Democratic Services (includes Elections and Land Charges) - 10
 Operations - 39
 People and Policy (includes Facilities) – 1
 Planning – 6
 Public Protection Unit (PPU) - 2

4.5 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 2021/2022, 108 formal complaints were received by the Council.

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

Complaint about:	2019/20		2020/21		2021/22	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	22	16.30	24	15.38	13	12.04
Advice/information given	3	2.22	3	1.93	1	0.93
Anti-social behavior	1	0.74	0	0	0	0
Application processing	2	1.48	2	1.28	1	0.93
Bailiff charges/action	2	1.48	0	0	1	0.93
Benefits processing	2	1.48	3	1.93	3	2.77
Bins/bin collection	40	29.63	56	35.90	26	24.07
Council decision	20	14.81	4	2.56	5	4.63
Council policy/procedure	1	0.74	2	1.28	2	1.85
Council Tax charges/ decision	7	5.19	1	0.64	14	12.96
Customer service	3	2.22	0	0	0	0
Footpaths	0	0	0	0	1	0.93
Grant Funding	0	0	8	5.13	4	3.70
Grass cutting	1	0.74	2	1.28	1	0.93
Housing/landlord	0	0	1	0.64	0	0
Litter/ debris/ fly tipping	2	1.48	15	9.62	3	2.77
Noise nuisance	0	0	1	0.64	0	0
Other	9	6.67	5	3.21	6	5.56
Property/ land	0	0	6	3.85	4	3.70
Quality of service	10	7.41	4	2.56	7	6.48
Recovery/payment Council Tax	3	2.22	4	2.56	2	1.85
Staff member/ team	6	4.45	10	6.41	12	11.11
Time taken	0	0	2	1.28	1	0.93

Trees	1	0.74	2	1.28	1	0.93
Weeds	0	0	1	0.64	0	0
Total	135		156		108	

The areas of most complaint during 2021/22 were in relation to bins/bin collection and council tax charges/decision.

In relation to the 26 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 11 issues with missed bin collections
- 3 missed assisted collections
- 4 relating to non-delivery of a new bin
- 1 relating to bin damage
- 3 bins not being returned to the correct location
- 1 issue with a bulky collection
- 3 relating to blocking a driveway or blocking access during a collection

In relation to the 14 council tax charges/decision complaints, there were all dealt with by Capita as follows:

- 4 relating to Council Tax costs disputes or payment disputes
- 2 issues with advice given
- 2 issues with non-eligibility for business rates relief
- 2 issues with a court summons and added costs
- 1 relating to Council Tax benefit not being cancelled following a change in circumstances
- 1 issue with a Council Tax refund
- 1 issue with the way a letter was worded
- 1 relating to the flexibility of a payment plan

4.6 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 2021/22 period:

- Extra resource was put in Land Charges to deal with the backlog and this has seen the significant reduction of complaints.
- It is important that feedback is given to the relevant team in all instances when there is a complaint or compliment regarding an interaction with a member of the public.
- Calls should always be dealt with quickly and answered pleasantly. It is also essential for staff answering phones to take time to listen to customers and always be willing to help. Whilst some calls are difficult to deal with, staff in Corporate Support continue to receive compliments for treating customers with respect and trying their best to sort out their enquiries.
- In response to an Ombudsman complaint the Council reviewed how missed collections and missed collection monitoring was documented.

4.7 During 2021/2022 the average number of working days taken to deal with complaints was 17 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 been

delivered in addition to the introduction of the new staff values. The first two training sessions on staff values have been delivered with a further session planned for September.

4.8 Out of the 108 complaints received in 2021/2022, 91 cases were resolved at stage 1. There were 17 stage 2 reviews. Out of these 17 cases, 5 were subsequently referred on to the Ombudsman by the complainant.

4.9 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.

4.10 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.

4.11 During 2021/2022 the Ombudsman received 13 enquiries/complaints about this authority of which:

- 5 were referred back to the authority (to go through the Council complaints process). The Council is not aware of any referrals coming back through the complaints system, because the Ombudsman does not notify the authority of 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 received advice. The Council is not aware of this complaint as the Ombudsman does not notify of closures following providing advice.
- 4 were closed after initial enquiries because there was no injustice/service failure.
- 2 were investigated and have since been closed as detailed in section 4.12.
- 1 remained open, but has since been closed after initial enquiries. This will be included in the decision figures for 2022/23.

The Ombudsman made the Council aware of 7 of the 13 complaints they received in 2021/2022 (54%).

4.12 The Local Government Ombudsman made decisions on 13 complaints during 2021/2022 as detailed below:

- 5 were referred back to the authority (to go through the Council complaints process).
- 1 was given advice.
- 4 were closed after initial enquiries because there was no injustice/service failure.
- 3 complaints were investigated and were upheld (this figure includes one complaint carried over from 2020/2021).

The Ombudsman made the Council aware of 7 of the 13 decisions made in 2021/2022 (54%).

4.13 There were 3 investigations on which decisions were made in 2021/2022, 2 related to Environmental Services & Public Protection & Regulation and 1 Benefits and Tax. All 3 complaints were upheld following investigation.

The Ombudsman upholds complaints where fault is found in an organisations actions. They also uphold complaints where the organisation accepts fault before their involvement. The latter is the case for one of the Environmental Services & Public Protection & Regulation complaints as detailed below.

In relation to the 2 upheld Environmental Services & Public Protection & Regulation complaints:

- The Ombudsman found that there was fault regarding a missed bin collection. To remedy the injustice, the Council issued an apology and £200 to compensate for the loss of service and the Council reviewed how missed collections and missed collection monitoring was documented.
- The second upheld complaint concerned a missed assisted bin collection. This complaint was resolved prior to the Ombudsman's involvement.

In relation to the Benefits and Tax complaint the Ombudsman found fault with failing to seek further information from an applicant at the time of their application from the Small Business Grant Fund. To remedy the injustice, the applicant was invited to submit the required supporting evidence to review eligibility and the Council issued £150 to compensate them for their time and trouble in pursuing the matter.

4.14 Comparisons with 2021/2022 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2019/20	2020/21	2021/22
Received	23	7	13
Decisions made	22	9	13

Complaint category:	2019/20	2020/21	2021/22
Benefits and Tax	2	2	5
Corporate and other services	0	1	2
Environmental Services & Public Protection & Regulation	10	4	2
Highways and Transport	0	0	1
Other	0	0	1
Planning & Development	11	0	2
Total	23	7	13

Decisions made:	2019/20	2020/21	2021/22
Referred back for local resolution	14	2	5
Closed after initial enquiries	1	3	4
Incomplete/invalid	1	1	0
Advice given	0	0	1
Investigated: Upheld	2	2	3
Investigated: Non Upheld	4	1	0
Total	22	9	13

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 2021/2022 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 remains low.

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.

4.15 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.

4.16 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, over the last year:

- the Council has 32,330 Council Tax accounts, 2,801 NNDR accounts and 5,416 benefit claimants.
- the Council received 80,024 telephone calls and 15,529 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 415 businesses that it collects their waste from, with 334 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 2021/22 the Council completed 3022 bulky waste requests from customers and delivered/removed 5549 bins of which 4251 were for recycling.
- over 725 litter bins are emptied either twice a week or daily.
- the Council has attended 1000 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.

4.17 It is particularly pleasing to note the following:

- the number of compliments the Council has received this year.
- the low number of enquires and Ombudsman investigations during 2021/22.

5. RISK

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.

6. FINANCE

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 2021/2022 the Ombudsman awarded two penalties against the Council with a total value of £350.

7. LEGAL

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 AND EQUALITIES IMPLICATIONS

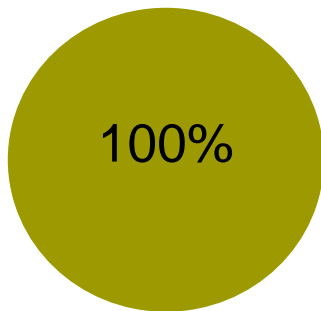
There are no policy or equalities implications.

9. REASON FOR DECISION

To monitor formal complaints and Ombudsman enquiries to enable the Council to make continuous improvements to its services.

Background Papers	
Document	Place of Inspection
2019/20 Report Item D1:	https://www.rossendale.gov.uk/meetings/meeting/1222/overview_and_scrutiny_committee
2020/21 Report item D5:	https://www.rossendale.gov.uk/meetings/meeting/1275/overview_and_scrutiny_committee

Complaints upheld



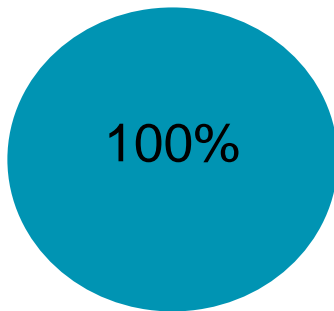
100% of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

3
upheld decisions

Statistics are based on a total of **3** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



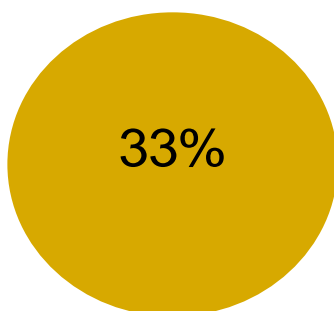
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **3** compliance outcomes for the period between 1 April 2021 to 31 March 2022

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

Satisfactory remedy provided by the organisation



In **33%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **3** upheld decisions for the period between 1 April 2021 to 31 March 2022

Received

Reference	Authority	Category	Received
21001389	Rossendale Borough Council	Benefits & Tax	29/04/2021
21001413	Rossendale Borough Council	Corporate & Other Services	04/06/2021
21002761	Rossendale Borough Council	Other	27/05/2021
21003525	Rossendale Borough Council	Corporate & Other Services	10/06/2021
21006348	Rossendale Borough Council	Benefits & Tax	29/07/2021
21008391	Rossendale Borough Council	Benefits & Tax	09/09/2021
21009679	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	01/10/2021
21012156	Rossendale Borough Council	Planning & Development	15/11/2021
21013468	Rossendale Borough Council	Benefits & Tax	07/12/2021
21013719	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	13/12/2021
21014426	Rossendale Borough Council	Benefits & Tax	05/01/2022
21017606	Rossendale Borough Council	Highways & Transport	01/03/2022
21018360	Rossendale Borough Council	Planning & Development	15/03/2022

Decided

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
20002676	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	16/06/2021	Upheld	mal & inj	Apology,Financial redress: Loss of service,Provide information/advice to person affected,Procedure or policy change/review	The Council will review how missed collection monitoring and missed collections are documented.
21001389	Rossendale Borough Council	Benefits & Tax	29/04/2021	Referred back for local resolution	Premature Decision - advice given		
21001413	Rossendale Borough Council	Corporate & Other Services	21/07/2021	Closed after initial enquiries	Not warranted by alleged injustice		
21002761	Rossendale Borough Council	Other	27/05/2021	Advice given	Signpost - go to complaint handling		
21003525	Rossendale Borough Council	Corporate & Other Services	23/07/2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
21006348	Rossendale Borough Council	Benefits & Tax	29/07/2021	Referred back for local resolution	Premature Decision - advice given		
21008391	Rossendale Borough Council	Benefits & Tax	23/02/2022	Upheld	mal & inj	New appeal/review or reconsidered decision,Financial redress: Avoidable distress/time and trouble	
21009679	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	10/11/2021	Upheld	Injustice remedied during BinJ complaint processes		
21012156	Rossendale Borough Council	Planning & Development	16/12/2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
21013468	Rossendale Borough Council	Benefits & Tax	07/12/2021	Referred back for local resolution	Premature Decision - advice given		
21013719	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	13/12/2021	Referred back for local resolution	Premature Decision - advice given		
21014426	Rossendale Borough Council	Benefits & Tax	05/01/2022	Referred back for local resolution	Premature Decision - advice given		
21017606	Rossendale Borough Council	Highways & Transport	21/03/2022	Closed after initial enquiries	Not warranted by alleged injustice		

Compliance

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
19005685	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	24-Feb-20	Apology Financial redress: Avoidable distress/time and trouble Provide information/advice Other Remedy	24-May-21	15-Jul-21	Remedy completed late
20002676	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	16-Jun-21	Apology Financial redress: Loss of service Provide information/advice to person affected Procedure or policy change/review	14-Jul-21	12-Jul-21	Remedy complete and satisfied
21008391	Rossendale Borough Council	Benefits & Tax	23-Feb-22	New appeal/review or reconsidered decision Financial redress: Avoidable distress/time and trouble	23-Mar-22	23-Mar-22	Remedy complete and satisfied