

<b>Subject:</b>	Annual Council Feedback Review and Local Government Ombudsman (LGO) Enquiries	<b>Status:</b>	For Publication
<b>Report to:</b>	Overview and Scrutiny Committee	<b>Date:</b>	25 <sup>th</sup> September 2023
<b>Report of:</b>	Head of People and Policy	<b>Portfolio Holder:</b>	Environment and 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: Yes/No	<b>Attached:</b>	Yes/No
<b>Biodiversity Impact Assessment:</b>	Required: Yes/No	<b>Attached:</b>	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 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.
- 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 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023:
  - Compliments
  - Formal complaints
  - Ombudsman enquiries and complaints
- There were 89 compliments with the highest number of compliments being about a staff member or a team.
- There were 142 formal complaints with the highest number being about bins or bin collections.
- There were 5 Ombudsman enquiries and 1 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 2022/2023 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 2022/2023 period the Council received 89 compliments and a breakdown of the last 3 years' figures can be found below:

2020/2021	2021/2022	2022/2023
145	123	89

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

<b>Compliment about:</b>	
Action/response/communication	2
Other	1
Bins/bin collection	6
Customer service	1
Quality of service	7
Staff member/team	72
<b>Total</b>	<b>89</b>

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

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

Operations - 7

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

Capita – 4

Corporate Support – 10

Housing - 2

Legal and Democratic Services (includes Elections and Land Charges) - 10

Operations - 40

People and Policy (includes Facilities) – 2

Planning – 3

Public Protection Unit (PPU) - 1

#### 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 2022/2023, 142 formal complaints were received by the Council.

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

Complaint about:	2020/21		2021/22		2022/23	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	24	15.38	13	12.04	20	14.1
Advice/information given	3	1.93	1	0.93	0	0
Anti-social behavior	0	0	0	0	2	1.41
Application processing	2	1.28	1	0.93	1	0.70
Bailiff charges/action	0	0	1	0.93	3	2.11
Benefits processing	3	1.93	3	2.77	6	4.23
Bins/bin collection	56	35.90	26	24.07	39	27.5
Council decision	4	2.56	5	4.63	3	2.11
Council policy/procedure	2	1.28	2	1.85	5	3.52
Council Tax charges/ decision	1	0.64	14	12.96	32	22.53
Customer service	0	0	0	0	1	0.70
Footpaths	0	0	1	0.93	0	0
Grant Funding	8	5.13	4	3.70	2	1.41
Grass cutting	2	1.28	1	0.93	1	0.70
Housing/landlord	1	0.64	0	0	1	0.70
Litter/ debris/ fly tipping	15	9.62	3	2.77	1	0.70
Noise nuisance	1	0.64	0	0	1	0.70
Other	5	3.21	6	5.56	0	0
Property/ land	6	3.85	4	3.70	5	3.52
Quality of service	4	2.56	7	6.48	5	3.52
Recovery/payment Council Tax	4	2.56	2	1.85	0	0
Staff member/ team	10	6.41	12	11.11	11	7.74
Time taken	2	1.28	1	0.93	1	0.70
Trees	2	1.28	1	0.93	0	0
Weeds	1	0.64	0	0	1	0.70
Flooding/Drainage	0	0	0	0	1	0.70
<b>Total</b>	<b>156</b>		<b>108</b>		<b>142</b>	

The areas of most complaint during 2022/23 were in relation to bins/bin collection and council tax charges/decision.

In relation to the 39 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 15 issues with missed bin collections
- 2 missed assisted collections
- 6 relating to non-delivery of a new bin
- 5 bins not being returned to the correct location
- 2 issue with a bulky collection
- 3 Communications
- 1 Bins not emptied due to not be presented properly
- 2 Damage to wall and fencing
- 1 Blue bin on side – rubbish strewn everywhere
- 1 Not taking side waste
- 1 Brown bin issues

In relation to the 32 council tax charges/decision complaints, there were all dealt with by Capita as follows:

- 5 relating to Council Tax costs disputes or payment disputes
- 5 issues with a Council Tax refund or rebate
- 3 Council tax rebate/charges and lack of response
- 2 cost of Council Tax/ hardship
- 1 Confusion with Council Tax bills
- 1 Wrong address and issues with bailiffs
- 2 Council Tax recovery issues with money owed /debt on account
- 2 Council Tax - issues with collection and the debt management agent.
- 1 Council Tax Single Person Discount
- 2 issues with communications: letter wording/ conflicting and different bills received
- 1 Overpayment of council tax due to pension credit claim.
- 1 payment of second house council tax and recovery
- 2 Council Tax debt/outstanding payments
- 1 Business Rate Refund
- 1 Taking Council Tax debits too early
- 1 Liability Order
- 1 Refund of bailiff fees

#### 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 2022/23 period:

- There were no general trends identified in council tax, non-domestic rates and benefits which required changes to procedure or process. To set the numbers in context, there were 118,000 statutory notices issued by the revenues team in 2022/23. The majority of complaints were not upheld.
- Collecting the Council Tax DD early, we have added extra checks into the process to ensure this doesn't happen again.
- We have taken on board the complaint about the lack of Household Support Funding available in the last round of HSF, and in the latest round we have written to all

residents in the borough who receive PIP and Council Tax Support asking them to apply directly to us for a payment of £200. This has now been paid to all of those that applied.

- As a result of customer feedback Property Services is current reviewing the Purchase, Lease, Rental of Council land process. This relates to the length of time taken from the date of the submission through to the customer receiving a decision.
- Following a compliment, further changes were made to the standard letters used for encroachments, particularly relating to the language used and wording of the letters.
- The Operations Team delivers services that impact the residents of Rossendale on a daily basis and occasionally things don't go to plan, these are rectified in a timely manner and the team review all complaints each month to ensure that they learn from them and continually modify systems and procedures to ensure maximise productivity. In the last year it has been identified that we have a risk of an in-house system that produces work for the majority of the teams and we are currently reviewing the options within the marketplace. Additionally there is an awareness of the importance of cleansing service and backfill roles when staff are absent due to leave or sickness.

4.7 During 2022/2023 the average number of working days taken to deal with complaints was 10 days, which is within the expected customer service standard of 10 working days.

4.8 Out of the 142 complaints received in 2022/2023, 126 cases were resolved at stage 1. There were 16 stage 2 reviews. Out of these 16 cases, 3 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 Service 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 2022/2023 the Ombudsman received 5 enquiries/complaints about this authority of which:

- 1 was 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.
- 3 were closed after initial enquiries because there was no injustice/service failure.
- 1 was investigated and has since been closed as detailed in section 4.12.

The Ombudsman made the Council aware of 4 of the 5 complaints they received in 2022/2023 (80%).

4.12 The Local Government Ombudsman made decisions on 6 complaints during 2022/2023 as detailed below:

- 1 was referred back to the authority (to go through the Council complaints process).
- 4 were closed after initial enquiries because there was no injustice/service failure (this figure includes one complaint carried over from 2021/2022).
- 1 complaint was investigated and was not upheld as the Council was not at fault.

The Ombudsman made the Council aware of 5 of the 6 decisions made in 2022/2023 (83%).

4.13 There was 1 investigation on which decisions were made in 2022/2023, relating to Planning and Development and this was not 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. There are no such cases for 2022/2023.

4.14 Comparisons with 2022/2023 Ombudsman complaints and enquiries are as follows:

<b>Ombudsman Complaints and Enquiries:</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Received	7	13	5
Decisions made	9	13	6

<b>Complaint received category:</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Benefits and Tax	2	5	2
Corporate and other services	1	2	0
Environmental Services & Public Protection & Regulation	4	2	1
Highways and Transport	0	1	0
Other	0	1	0
Planning & Development	0	2	2
<b>Total</b>	<b>7</b>	<b>13</b>	<b>5</b>

<b>Decisions made:</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Referred back for local resolution	2	5	1
Closed after initial enquiries	3	4	4
Incomplete/invalid	1	0	0
Advice given	0	1	0
Investigated: Upheld	2	3	0
Investigated: Non Upheld	1	0	1
<b>Total</b>	<b>9</b>	<b>13</b>	<b>6</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 2022/2023 the Ombudsman has not made any recommendations for compliance therefore the Council's compliance is 0% as there are no recommendations to report on.

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 there are no upheld complaints, 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 32,592 Council Tax accounts, 2810 NNDR accounts and 5,219 benefit claimants.
- the Council received 79,028 telephone calls and 11,564 completed web forms in addition to other forms of contact.
- each year the Council provides 849, 279 domestic paper and cardboard collections, 849, 279 of domestic glass, tins, cans and plastic collections, 859,333 domestic general waste collections and 152, 760 domestic garden waste collections. The Council has 423 businesses that it collects their waste from, with 263 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 2022/23 the Council completed 2708 bulky waste requests from customers and delivered/removed 5314 bins of which 3710 were for recycling.
- over 750 litter bins are emptied either twice a week or daily.
- the Council has attended 1051 reports of fly tipping.
- there is approx. 284 km of adopted road and 362 km 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.
- Investigated 177 fly tipping incidents where some evidence found of possible offenders

- Issued 79 Fixed Penalty Notices for fly tipping and related offences
- Prosecuted 29 offenders for fly tipping offences resulting in fines and costs of over £13,500
- Dealt with 233 reports of abandoned vehicles

4.17 It is particularly pleasing to note the following:

- the low number of Ombudsman investigations during 2022/23.

## 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 2022/2023 the Ombudsman did not award any penalties against the Council. The Council did however, make a £200 donation to charity as a goodwill gesture in response to a complaint resolution.

## 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.

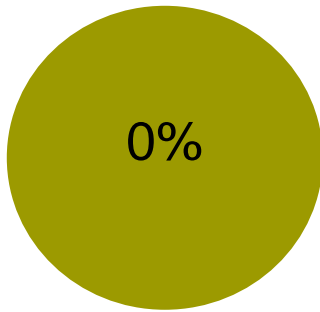
## 9. REASON FOR DECISION

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

Background Papers	
Document	Place of Inspection
2020/21 Report item D5:	<a href="https://www.rossendale.gov.uk/meetings/meeting/1275/overview_and_scrutiny_committee">https://www.rossendale.gov.uk/meetings/meeting/1275/overview_and_scrutiny_committee</a>
2021/22 Report item D4:	<a href="https://www.rossendale.gov.uk/meetings/meeting/1328/overview_and_scrutiny_committee">https://www.rossendale.gov.uk/meetings/meeting/1328/overview_and_scrutiny_committee</a>



### Complaints upheld



**0%** of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

**0**  
upheld decisions

Statistics are based on a total of **1** investigation for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

### Satisfactory remedy provided by the organisation

The Ombudsman did not uphold any detailed investigations during this period

<b>Reference</b>	<b>Authority</b>	<b>Category</b>	<b>Received</b>
22002059	Rossendale Borough Council	Planning & Development	10/06/2022
22004419	Rossendale Borough Council	Benefits & Tax	05/07/2022
22004706	Rossendale Borough Council	Planning & Development	07/07/2022
22006232	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	10/08/2022
22016898	Rossendale Borough Council	Benefits & Tax	13/03/2023

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
21018360	Rossendale Borough Council	Planning & Development	06/04/2022	Closed after initial enquiries	Not warranted by alleged injustice		
22002059	Rossendale Borough Council	Planning & Development	18/10/2022	Not Upheld	no fault		
22004419	Rossendale Borough Council	Benefits & Tax	21/07/2022	Closed after initial enquiries	Not warranted by alleged fault		
22004708	Rossendale Borough Council	Planning & Development	20/07/2022	Closed after initial enquiries	Not warranted by alleged fault		
22006232	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	22/09/2022	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
22016898	Rossendale Borough Council	Benefits & Tax	13/03/2023	Referred back for local resolution	Premature Decision - advice given		

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
No compliance data recorded during the period							