

Subject:	Formal Complaints and Compliments Review: <ul style="list-style-type: none"> • Formal Complaints • Ombudsman Complaints • Compliments 	Status:	For Publication
Report to:	Corporate Overview and Scrutiny	Date:	23 rd September 2013
Report of:	Director of Customers and Communities/ Director of Business	Portfolio Holder:	Customers, Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That members note the number of formal complaints received by the Council, Local Government Ombudsman (LGO) complaints and compliments recorded for the period 1 st April 2012 to 31 st March 2013, and the context around the complaints, compliments and timescales outlined.

2. PURPOSE OF REPORT

2.1 To update members on the following:

- Formal complaints received by the Council for the period 1st April 2012 to 31st March 2013.
- The Local Government Ombudsman complaints for the period 1st April 2012 to 31st March 2013.
- The number of compliments received by the Council for the period 1st April 2012 to 31st March 2013.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:

- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 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.

4.2 Not monitoring complaints would create a risk of not learning from experiences. Complaints are regularly reviewed via Management Team and portfolio holder liaison meetings with senior managers.

5. BACKGROUND AND OPTIONS

5.1 Formal complaints made to the Council as well as Local Government Ombudsman complaints and compliments are administered by the Committee and Member Services Team. Complaints and compliments are a standing agenda item at Management Team meetings, and reports are

provided to each meeting to ensure managers are aware of any outstanding complaints that require action within their service area. Weekly status updates on all live complaints are also sent to managers. Complaints and compliments are also reviewed in portfolio holder briefing meetings with senior managers.

Normally each year the Council receives the Local Government Ombudsman's Annual Letter which details the number of enquiries and complaints received and response times. However, the LGO changed the way they handle complaints part way through the year, therefore they have informed that their Annual Letter (see Appendix A) will not contain comparative information as per previous years. The only information provided by the Ombudsman is that they received 6 complaints during 2013/2013. Instead the data that has been provided regarding the Ombudsman complaints in sections 5.7 to 5.10 has been collated using information that the Council holds for this period.

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

5.2 **Formal Complaints**

Formal complaints received by the Council are recorded and responded to by the relevant department. Officers and managers are asked to deal with customer complaints within the customer service standard of 10 working days: this is classed as a stage 1 response. Where it is not possible to send a full response in 10 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 2012/2013, 88 formal complaints were received by the Council, this is a significant reduction of 54 when compared with 2011/2012. Complaints were received for the following reasons:

Complaint about:	2010/11		2011/12		2012/13	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Technical, legal, or regulatory issue	18	21.1	41	28.8	10	11.4
Poor communication	5	5.9	12	8.5	6	6.8
Delayed response/lack of response	10	11.8	18	12.7	6	6.8
A named officer	8	9.4	6	4.2	3	3.4
Complaint received via MP	-	-	1	0.7	0	0
Complaint received via Councillor	1	1.2	1	0.7	3	3.4
A Council policy or procedure	43	50.6	63	44.4	60	68.2
Total	85		142		88	

The most complained about things this year were in relation to a technical, legal or regulatory issue or in relation to a Council policy or procedure.

In relation to complaints made regarding a technical/legal/regulatory issue the service area with the highest number of complaints was Development Control. Out of these complaints:

- 4 - customers complained about the consultation process for planning applications
- 1 - customer complained about the decision made by the Development Control Committee
- 1 - customer complained about the planning application process
- 1 - customer complained about a site being used illegally
- 1 - customer complained about a parking plot with no planning permission

In relation to complaints made regarding Council policy or procedure the service areas with the highest number of complaints were as follows:

Benefits (12) - the majority of these complaints were in relation to the procedure for administration, processing and notification of benefits.

Council Tax (9) – the majority of these complaints were in relation to the procedure for administration and processing Council Tax and also the decision made.

Council Tax Recovery (10) - the majority of these complaints were in relation to the Council policy and procedure for recovery of Council Tax.

Refuse and Cleaning (10) - the majority of these complaints were in relation to missed bins.

- 5.3 During 2012/2013 the average number of days taken to deal with complaints was 6 days, which is within the customer service standard of 10 working days.
- 5.4 As part of the complaint investigation and response process, officers are required to assess whether or not the complaint was substantiated, based on the outcome of the investigation. Out of the total of 88 complaints received, 11(12%) were seen to be substantiated, 29 (33%) were seen to be unsubstantiated, and a further 4 (5%) were seen as partially substantiated. No checklist was received for the remaining 44 (50%), so these have been unable to be categorized (some of these were still open at year end and have will be carried forward to 2012/2013).
- 5.5 Out of the 88 complaints received in 2012/2013, 68 cases were resolved at stage 1. There were 20 stage 2 reviews, which were classified as follows:
- 7 - unsubstantiated
 - 13 - no checklist

Of the 20 stage 2 cases, 0 were subsequently referred to the Ombudsman by the complainant.

5.6 **Local Government Ombudsman Complaints**

The Local Government Ombudsman (LGO) normally provides an Annual Summary of complaints they have received against the Council each year. However, owing to changing the way complaints are handled mid-year, they have informed Council's that they will not be providing this information for the 2012/2013 period. Consequently, the information provided in relation to Ombudsman complaints has been collated using information that has been sent to the Council throughout the year, but 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 Annual Letter, the Ombudsman noted that on average 10 complaints were received for

each district council. During 2012/2013 the Ombudsman received 6 complaints about this authority, which was 4 less complaints than the district average.

5.7 The Local Government Ombudsman made decisions on all 6 of these complaints as follows:

Notifications of closure: 4
Full investigations: 2

Notifications of closure - The first the Council gets to hear about this type of complaint is when the Ombudsman closes the complaint and issues a copy of the 'notification of closure' letter. These are where the Ombudsman has considered a complaint and decided not to investigate. This can be for various reasons such as:

- no evidence of injustice
- no evidence of maladministration
- not within their jurisdiction
- time limit has elapsed

The 4 notifications of closure that the Council received were in relation to the following service areas:

Planning - 2
Council tax recovery - 1
Communities – 1

Full investigations - The Council is notified at the start of the investigation and is required to provide any requested information within 28 working days. The Ombudsman investigates and issues their findings to the Council.

The 2 full investigations in 2012/2013 were in relation to the following service areas and the outcomes were as follows:

Council Tax Recovery - this investigation was discontinued by the Ombudsman as there was no evidence of fault. This complainant is now being dealt with under the Unreasonably Persistent Complainant/Unreasonably Persistent Behaviour procedure.

Communities – this investigation was closed as any initial injustice was remedied and the Ombudsman could not recommend any further course of action which would satisfy the complainant.

During 2012/2013 there were no findings of maladministration.

5.8 The Local Government Ombudsman requires responses to their investigation enquiries within 28 calendar days from the date of the Ombudsman's letter. Of the two full investigations the Council received in 2012/2013, the average response time was 14.5 days. This is a significant improvement when compared with response times in 2011/2012 and is the best average response time in the last 4 years.

The figures for previous years are below:

2011/2012 – 38.3 days
2010/2011 - 18 days
2009/2010 - 22.3 days

5.9 The Liaison Officer provides regular updates to the Committee and Member Services Manager on open investigations. There are currently no open investigations. When investigations are

opened, regular update meetings take place between the Liaison Officer and the Director of Business to discuss deadlines and any issues which may arise. These meetings assist in compliance with the Ombudsman's response deadlines. A report is also provided to every Management Team Meeting and Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which go to Overview and Scrutiny.

5.10 **Compliments**

In the 2012/2013 period the Council received 193 compliments and a breakdown of the last 3 years figures can be found below:

2010/2011	2011/2012	2012/2013
237	252	193

5.11 An analysis of the 193 compliments for 2012/2013 can be found below along with the compliments for the previous two years:

Service	Total 2010/2011	Total 2011/2012	Total 2012/2013
Communications	8	3	0
Property Services	1	3	2
Refuse and Cleansing	35	26	7
Parks and Open Spaces	9	1	2
Capita – Business Rates	0	1	0
Capita - Benefits	1	1	1
Capita - OSS	4	4	4
ICT	0	1	0
Customer Services	3	2	5
STAN the Van	40	97	95
Community Engagement	5	2	0
Locality Teams	14	10	13
Regeneration Delivery	4	1	0
Regeneration Programmes	6	1	0
Environmental Health	3	2	10
Legal Services	26	34	3
Committee and Member Services	6	20	2
Elections	5	24	13
Licensing and Enforcement	4	7	2
Building Control	37	1	0
Forward Planning	0	1	0
Development Control	17	8	32
Land Charges	0	2	1
Human Resources	1	0	0
Policy & Performance	1	0	1
Executive Office	1	0	0
Emergency Planning	1	0	0
Community Safety	1	0	0
Communities - Service Development	3	0	0
Regeneration – Economic Development	1	0	0
Total	237	252	193

Similar to previous years, a large proportion of compliments were received for the STAN service, which received 95 compliments this year. The majority of these compliments were in relation to the excellent service, the advice received, helpful staff and how useful the service was for members of the community.

This year has also seen a significant increase in compliments for the Development Control section. The majority of these were in relation to prompt responses and helpfulness of staff when dealing with applications.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no financial implications arising from this report, however the Council does face the risk of financial penalty should the Ombudsman find maladministration against the council in any existing or future complaints. For the avoidance of doubt, during the period 2012/2013 the Ombudsman has not awarded any penalties against the Council.

7. MONITORING OFFICER

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

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 There are no HR implications.

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

9. CONCLUSION

9.1 It is particularly pleasing to note that the number of formal complaints received by the Council in 2012/2013 dropped by 54 when compared with 2011/2012. Of the 88 formal complaints received, a number of these can be directly related to particular policy or procedure which either the Council has adopted for use, or is a national requirement.

9.2 Feedback on our services is important to inform learning on how we can improve and is always welcomed. We continue to take the learning from these complaints to help us to inform service improvements. Complaints continue to be assessed via Management Team and are also reviewed with Portfolio Holders.

9.3 It is important to consider these figures in the context of The Council receiving well over half a million contacts from customers in any 12 month period.

9.4 We are pleased to note that our average response time for our own complaints process was well within our own Customer Service Standards, as was the average response time for the Ombudsman complaints.

9.5 The Council would like to thank the Ombudsman for the 2012/2013 letter and looks forward to receiving data in the new reporting format in 2013/2014.

9.6 It is particularly pleasing to note the number of compliments received despite the on-going financial challenges we face. The Council has also received a considerable amount of positive feedback regarding the STAN service, particularly in relation to how useful it is in the various locations it visits and the level of service/advice received by customers.

Appendices	
Document	Place of Inspection
Local Government Ombudsman's Letter 2012/13	Appendix A

Background Information	
Document	Place of Inspection
Previous years reports and statistics	2012 Report Item E8b: http://www.rossendale.gov.uk/meetings/meeting/697/council 2011 Report Item F3b: http://www.rossendale.gov.uk/meetings/meeting/652/council