

Subject:	Formal Complaints and Compliments Review: <ul style="list-style-type: none"> • Formal Complaints • Ombudsman Complaints • Compliments 	Status:	For Publication		
Report to:	Corporate Scrutiny Committee	Date:	22 nd September 2014		
Report of:	Chief Executive/ 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	
Contact Officer:	Carolyn Sharples	Telephone:	01706 252422		
Email:	carolynsharples@rossendalebc.gov.uk				

1.	RECOMMENDATION(S)
1.1	That members note the number of formal complaints and compliments received by the Council, and Local Government Ombudsman (LGO) complaints recorded for the period 1 st April 2013 to 31 st March 2014, and the context around the complaints 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 2013 to 31st March 2014.
- The Local Government Ombudsman complaints for the period 1st April 2013 to 31st March 2014.
- The number of compliments received by the Council for the period 1st April 2013 to 31st March 2014.

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 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.

Overview and Scrutiny Committee also receive regular complaint and compliment data via the Quarterly Performance Report throughout the year.

Weekly status updates on all live complaints are also sent to managers and senior managers as well as weekly compliments received.

Each year the Council receives the Local Government Ombudsman's Annual Letter which details the number of enquiries and complaints received and the response times. Last year the LGO changed the way they handled complaints part way through the year, therefore it has not been possible for the Ombudsman to provide comparative information for previous years. The Ombudsman reported that that they received 18 complaints during 2013/2014, only 1 of which was upheld (see section 5.5 for further detail and the breakdown at Appendix 1).

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 2013/2014, 80 formal complaints were received by the Council, this is a reduction of 8 when compared with 2012/2013 and a continued reduction over a 3 year period (please note that there was a re-categorisation of complaint headings before the 2013/2014 period). Complaints were received for the following reasons:

Complaint about:	2011/12		2012/13		2013/14	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	30	21.2	12	13.6	11	13.75
Advice/information given					2	2.5
Application processing					6	7.5
Bins/bin collection					12	15
Council decision	41	28.8	10	11.4	6	7.5
Council policy/procedure	63	44.4	60	68.2	1	1.25
Council Tax charges/ decision					7	8.75
Customer service					4	5
Grass cutting					1	1.25
Litter/ debris/ fly tipping					3	3.75
Noise nuisance					2	2.5
Other	2	1.4	3	3.4	5	6.25
Property/ land					2	2.5
Quality of service					7	8.75
Recovery/payment of Council Tax					1	1.25

Signage					1	1.25
Staff member/ team	6	4.2	3	3.4	7	8.75
Time taken					1	1.25
Trees					1	1.25
Total	142		88		80	

The areas of most complaint during 2013-14 were in relation to bins/bin collection or action/response/communication.

In relation to the 12 bins/bin collection complaints:

- 3 were regarding Council policy on brown bins/garden waste.
- 2 were in relation to the assisted bin collection.
- 2 were in relation to issues with refuse wagons.
- 2 were in relation to non-collection of household waste.
- 1 was in relation to non-collection of recycled waste.
- 1 was regarding the removal of a second bin.
- 1 was regarding the Council policy on new bins.

In relation to action/response/communication:

- 3 were dealt with by Health Housing and Regeneration: one was in relation to communication regarding a housing development, one was a response in relation to an empty property and one was a referral from the Ombudsman to go through the Council complaints process regarding S215 action.
- 2 were dealt with by Capita: one regarding an appeal response and the other in relation to the communication of a deadline for payment of Council Tax.
- 2 were dealt with by Operations – Refuse and Cleansing: one in relation to the communication of a change in refuse collection day and one regarding a service request response.
- 1 was dealt with by Building Control in relation to an email response and advice given.
- 1 was dealt with by Finance and Property in relation to communication regarding the purchase of a piece of land.
- 1 was dealt with by Planning in relation to a request for information regarding private water protection.
- 1 was dealt with by Licensing and Enforcement regarding an objection response.

5.3 During 2013/2014 the average number of days taken to deal with complaints was 10.5 days, which is just over the customer service standard of 10 working days.

This was mainly owing to a small number of complaints that were open beyond the 10 day deadline owing to their complex nature. For example, one complaint remained open as it was in relation to pursuing an empty property case, and three complaints were regarding a third party where the Council was acting in a liaison capacity with the third party in order to pursue the complaint.

5.4 Out of the 80 complaints received in 2013/2014, 62 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. These 4 complaints have been closed by the Ombudsman as follows:

- 2 – No fault.
- 1 – No investigation.
- 1 – Investigation discontinued.

5.5 Local Government Ombudsman 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. During 2013/2014 the Ombudsman received 18 complaints about this authority of which:

- 5 were investigated
- 5 were closed after initial enquiries
- 8 were referred back to the authority (to go through the Council complaints process)

5.6 The Local Government Ombudsman made decisions on the 5 investigated complaints as follows:

Upheld - 1
Not upheld - 4

The Ombudsman explains how complaints and enquiries are dealt with below:

Upheld: *These are complaints where we have decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If we have decided there was fault and it caused an injustice to the complainant, usually we will have recommended the authority take some action to address it.*

Not upheld: *Where we have investigated a complaint and decided that a council has not acted with fault, we classify these complaints as not upheld.*

Advice given: *These are cases where we give advice about why LGO would not look at a complaint because the body complained about was not within the LGO's scope or we had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.*

Closed after initial enquiries: *These complaints are where we have made an early decision that we could not or should not investigate the complaint, usually because the complaint is outside LGO's jurisdiction and we either cannot lawfully investigate it or we decide that it would not be appropriate in the circumstances of the case to do so. Our early assessment of a complaint may also show there was little injustice to a complainant that would need an LGO investigation of the matter, or that an investigation could not achieve anything, either because the evidence we see shows at an early stage there was no fault, or the outcome a complainant wants is not one we could achieve, for example overturning a court order.*

Incomplete/invalid: *These are complaints where the complainant has not provided us with enough information to be able to decide what should happen with their complaint, or where the complainant tells us at a very early stage that they no longer wish to pursue their complaint.*

Referred back for local resolution: *We work on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires LGO to give authorities an opportunity to try and resolve a complaint before we will get involved. In many instances, authorities are successful in doing this.*

5.7 For the 2013/2014 period the Council is not aware of any decision notices issued by the Ombudsman informing of an “upheld” decision being made, even though the Ombudsman letter identifies that there was one upheld complaint. The Ombudsman was contacted in relation to this, however the Council received the following response:

“Thank you for your email regarding this year’s annual letter. After receiving a number of queries from councils, we have decided to share our responses to the common questions...we wish to refer you to our recent LGO newsletter that set out our approach to this year’s letters. ... In it, we explain that we are not in a position to be able to provide any further detailed information on the statistics on an individual basis... we do not have the resource available to divert from our core work of dealing with the public’s complaints to respond to individual requests for more detailed data. We also recognise that the statistics in your letter may not match the figures you hold. We are confident that it is an accurate representation of the data we hold for the last 12 months...”

5.8 The 5 investigations in 2013/2014 that the Council has been notified of were in relation to the following service areas and the outcomes detailed in the Ombudsman’s decision letters were as follows:

- Planning and development: Investigation complete and satisfied with authority actions and not appropriate to issue report S30(1B).
- Planning and development: Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B).
- Planning & Development: Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B).
- Housing: no evidence of fault by the Council in its decision.
- Environmental Services & Public Protection & Regulation: To discontinue investigation.

5.9 The Liaison Officer provides regular updates to the Committee and Member Services Manager on open investigations. There are currently no open investigations that the Council has been made aware of. 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. 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 2013/2014 period the Council received 165 compliments and a breakdown of the last 3 years figures can be found below:

2011/2012	2012/2013	2013/2014
252	193	165

5.11 An analysis of the 165 compliments for 2013/2014 can be found below:

Compliment about:	
Action/response/communication	10
Advice/information given	2
Customer service	4
Other	1
Quality of service	51
Staff member/team	97
Total	165

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

Quality of Service:

Capita – 7
Customer Services and ICT – 42
Licensing & Enforcement – 1
Operations - Refuse & Cleansing – 1

Staff member/team:

Capita – 11
Communities - 7
Corporate Support – 5
Customer Services and ICT – 34
Finance and Property – 4
Health, Housing & Regeneration – 4
Legal and Democratic – 11
Licensing & Enforcement – 3
Operations - Refuse & Cleansing – 9
People and Policy – 1
Planning – 8

Similar to previous years, a large proportion of compliments were received for the STAN service, which received 76 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.

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 2013/2014 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 None of the complaints received related to equality/access or discrimination.

8.3 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 2013/2014 dropped by 8 when compared with 2012/2013.

- 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 The Council would like to thank the Ombudsman for the 2013/2014 Annual letter, however it is disappointed that the Ombudsman has failed to notify the Council of the “upheld” complaint. This makes learning from the outcome of the complaint difficult, especially if no information is provided regarding what the complaint was concerning, or how the Council can make improvements.
- 9.5 It is particularly pleasing to note the number of compliments the Council has received, despite the on-going financial challenges we face.

Appendices

Document	Place of Inspection
Local Government Ombudsman’s Letter 2013/14	Appendix A

Background Information

Document	Place of Inspection
Previous years reports and statistics	2013 Report Item D6: http://www.rossendale.gov.uk/meetings/meeting/759/corporate_overview_and_scrutiny
	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