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| Subject: | Council Feedback Review and Local Government Ombudsman's Annual Letter | Status: | For Publication |
| Report to: | Overview and Scrutiny Committee | Date: | 10 th October 2016 |
| Report of: | Head of Customer Services & ICT | Portfolio Holder: | Customer Services and Health |
| 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 different types of feedback received by the Council, in addition to the Local Government Ombudsman's (LGO) Annual Letter for the period 1 st April 2015 to 31 st March 2016. |

2. PURPOSE OF REPORT

2.1 To update members on the following types of feedback for the period 1st April 2015 to 31st March 2016:

- Compliments
- Formal complaints
- Local Government Ombudsman complaints

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 Feedback made to the Council, in the form of compliments and formal complaints (as well as Local Government Ombudsman complaints) are administered by the Committee and Member Services Team. Compliments and complaints 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 compliment and complaint data via the Quarterly Performance Reports throughout the year.

Feedback on the weekly compliments received is sent to managers to keep them aware of what is working well in their service areas. Reminders on all live complaints are also sent to the relevant officers and managers for review.

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. The Ombudsman reported that that they received 9 complaints and enquiries during 2015/2016, (see section 5.7 - 5.12 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 **Compliments**

In the 2015/2016 period the Council received 144 compliments and a breakdown of the last 3 years figures can be found below:

| 2013/2014 | 2014/2015 | 2015/2016 |
|------------------|------------------|------------------|
| 165 | 170 | 144 |

5.3 An analysis of the 144 compliments for 2015/2016 can be found below:

| Compliment about: | |
|-------------------------------|------------|
| Action/response/communication | 23 |
| Advice/information given | 2 |
| Customer service | 4 |
| Quality of service | 32 |
| Staff member/team | 83 |
| Total | 144 |

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

Action/communication/response:

Building Control - 1
 Finance & Property Services – 1
 Health, Housing & Regeneration – 2
 Legal and Democratic – 6
 Licensing & Enforcement – 1
 Operations - Refuse & Cleansing – 6
 People and Policy – 2
 Planning - 4

Quality of service:

Capita – 2
 Customer Services and ICT – 18
 Finance & Property Services - 1
 Operations - Refuse & Cleansing – 11

Staff member/team:

Capita – 9
Corporate Support/Land Charges – 2
Customer Services and ICT – 12
Health, Housing & Regeneration – 11
Legal and Democratic – 12
Licensing & Enforcement – 2
Operations - Refuse & Cleansing – 28
People and Policy – 4
Planning – 3

Similar to previous years, a large proportion of compliments were received for the STAN service, which received 59 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.

5.4 **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 2015/2016, 98 formal complaints were received by the Council. This is a decrease of 17 when compared with 2014/2015.

The areas of most complaint during 2015-16 were in relation to action/ response/ communication, advice/information given, bins/bin collection and quality of service.

In relation to the 16 action/response/communication complaints:

- 5 were dealt with by Capita: one was regarding a Summons letter for non-payment of Council Tax, one was regarding a letter sent to the wrong address, one was regarding an unclear letter, one was regarding a letter informing immediate payment was due and one was regarding a letter dated the 11th which wasn't received by the customer until the 18th.
- 1 was dealt with by Finance and Property Services in relation to a communication informing of a garage rent rise.
- 2 were dealt with by Health Housing and Regeneration: one regarding lack of response in relation to a property lease and one regarding a communication concerning noise nuisance in relation to the complainant's dogs.
- 2 were dealt with by Legal and Democratic Services: one regarding a letter sent to the incorrect land owner regarding the cutting down of trees and one regarding lack of response to an email.
- 1 was dealt with by Licensing and Enforcement regarding a response to a complaint

regarding a taxi driver's behavior.

- 2 were dealt with by Operational Services: one regarding the lack of response to an email and one regarding lack of response to an enquiry.
- 3 were dealt with by Planning: one regarding lack of response to a voicemail message, one was regarding lack of planning enforcement action and one regarding non receipt of a neighbour notification letter.

In relation to the 11 advice/information given complaints:

- 1 was dealt with by Capita in relation to incorrect information being applied to a Council Tax account.
- 1 was dealt with by Health, Housing and Regeneration in relation to incorrect information regarding the ownership of a drain.
- 2 were dealt with by Legal and Democratic Services: one was in relation to advice/information given from a Licensing Officer and one was in relation to information requested under a Freedom of Information request (FOI).
- 2 were dealt with by Operational Services: one in relation to recycling information provided by the Council and one in relation to information requested on forms for requesting additional bins.
- 5 were dealt with by Planning: one in relation to information given regarding some railings, one was regarding lack of information on a leaflet, three were regarding errors in information which was part of the Lives and Landscapes consultation.

In relation to the 11 bins/bin collection complaints, Operational Services dealt with the following complaints:

- 6 missed/unemptied bins
- 1 landlord wouldn't pay for a green bin
- 1 regarding the location of where the bins were left after being emptied
- 2 regarding assisted bin collections
- 1 regarding the frequency of paper/cardboard recycling collections

In relation to the 11 quality of service complaints:

- 4 were dealt with by Capita: one regarding a bank account error in relation to a Council Tax account, one regarding Council Tax charges for a former property and two regarding how queries on a Council Tax account were dealt with.
- 2 were dealt with by Customer Services and ICT both regarding the Council Tax and Housing Benefit service provided by Capita.
- 1 was dealt with by Legal and Democratic Services regarding a retaining wall insurance claim.
- 2 were dealt with by Operational Services: one regarding the dog warden service and one regarding the removal of rubbish from outside a property.
- 2 were dealt with by Planning: one regarding investigation into a breach of planning conditions and one regarding no one being available for advice at the time the complainant called.

Complaints were received for the following reasons:

| Complaint about: | 2013/14 | | 2014/15 | | 2015/16 | |
|---------------------------------|-------------------|------------|-------------------|------------|-------------------|------------|
| | No. of complaints | % of total | No. of complaints | % of total | No. of complaints | % of total |
| Action/response/communication | 11 | 13.75 | 13 | 11 | 16 | 16.5 |
| Advice/information given | 2 | 2.5 | 3 | 2.5 | 11 | 11.5 |
| Application processing | 6 | 7.5 | 14 | 12 | 8 | 8 |
| Bailiff charges/action | | | 2 | 2 | 4 | 4 |
| Benefits processing | | | 7 | 6 | 2 | 2 |
| Bins/bin collection | 12 | 15 | 8 | 7 | 11 | 11.5 |
| Council decision | 6 | 7.5 | 3 | 2.5 | 3 | 3 |
| Council policy/procedure | 1 | 1.25 | 3 | 2.5 | 2 | 2 |
| Council Tax charges/ decision | 7 | 8.75 | 5 | 4 | 3 | 3 |
| Customer service | 4 | 5 | 18 | 15.5 | 8 | 8 |
| Dog fouling | | | 1 | 1 | | |
| Grass cutting | 1 | 1.25 | | | | |
| Housing/landlord | | | 1 | 1 | | |
| Litter/ debris/ fly tipping | 3 | 3.75 | 3 | 2.5 | 3 | 3 |
| Neighbour dispute | | | 2 | 2 | | |
| Noise nuisance | 2 | 2.5 | 1 | 1 | 2 | 2 |
| Other | 5 | 6.25 | 5 | 4.5 | 5 | 5 |
| Property/ land | 2 | 2.5 | 3 | 2.5 | 1 | 1 |
| Quality of service | 7 | 8.75 | 5 | 4.5 | 11 | 11.5 |
| Recovery/payment of Council Tax | 1 | 1.25 | 4 | 3.5 | 4 | 4 |
| Signage | 1 | 1.25 | | | 1 | 1 |
| Staff member/ team | 7 | 8.75 | 5 | 4.5 | | |
| Time taken | 1 | 1.25 | 8 | 7 | 3 | 3 |
| Trees | 1 | 1.25 | 1 | 1 | | |
| Total | 80 | | 115 | | 98 | |

5.5 During 2015/2016 the average number of working days taken to deal with complaints was 9 days, which is within the customer service standard of 10 working days.

This the same number of working days when compared with 2014/2015 data.

5.6 Out of the 98 complaints received in 2015/2016, 75 cases were resolved at stage 1. There were 23 stage 2 reviews. Out of these 23 cases, 3 were subsequently referred on to the Ombudsman by the complainant. The status of these complaints are as follows:

2 initial enquiries – 1 awaiting LGO decision and carried over to 2016/2017 and 1 referred back to the Council to go through the Council's complaints process.

1 full investigation – currently awaiting LGO decision and carried over to 2016/2017.

5.7 **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.

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. Usually we tell complainants how to complain to an authority and ask them to contact it directly. In many instances, authorities are successful in resolving the complaint and the complainant does not recontact us.*

5.8 The Liaison Officer provides regular updates to the Committee and Member Services Manager on open investigations. When investigations are opened, regular update meetings take place between the Liaison Officer and the Monitoring Officer to discuss deadlines and any issues which may arise. A report is also provided to every Management Team Meeting for the Chief Executive, Heads of Service and Managers to monitor, and Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which are scrutinised by the Overview and Scrutiny Committee.

5.9 During 2015/2016 the Ombudsman received 9 complaints about this authority of which:

- 1 was investigated
- 1 was closed after initial enquiries
- 6 were referred back to the authority (to go through the Council complaints process)
- 1 remains open

Of these 9 complaints 8 decisions were made by the Ombudsman as follows:

- The one complaint that was investigated was not upheld.

- The one complaint that was closed after initial enquiries was closed as there was no injustice.
- Of the 6 complaints referred back to the authority, the Council is only aware of 3 referrals coming back through the complaints system, this is because the Ombudsman did not notify the authority of 3 of 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.

The Council is awaiting a decision regarding the open complaint, and has provided the Ombudsman with the required information.

The Ombudsman made the Council aware of 6 of the 9 complaints they received in 2015/2016 (67%).

- 5.10 The Local Government Ombudsman made decisions on 13 complaints during 2015/2016, and 8 of these have been detailed above. The remaining 5 decisions were for complaints which had been carried forward from 2014/2015. Decisions were made as follows:
- 1 was referred back to the authority (to go through the Council complaints process)
 - 2 were not upheld
 - 2 were upheld

The Ombudsman made the Council aware of and 9 of the 13 decisions they made (69%).

- 5.11 Of the 5 investigations on which decisions were made in 2015/2016, 4 were concerning Planning & Development (3 not upheld, 1 upheld), and 1 was concerning Environmental Services & Public Protection & Regulation (upheld).

In relation to the upheld Planning & Development complaint, the Council issued a letter of apology as it was found that there was fault in the process by which a decision had been reached, even though it did not affect the outcome and there was no injustice found in relation to the complaint.

In relation to the Environmental Services & Public Protection & Regulation complaint, the Council agreed to further investigate a specific aspect of the complaint. There was no injustice found in relation to the complaint.

- 5.12 Comparisons* with 2014/2015 Ombudsman complaints and enquiries are as follows, please note that it is not possible to compare previous years owing to changes in reporting:

| Ombudsman Complaints and Enquiries: | 2014/2015 | 2015/2016 |
|--|------------------|------------------|
| Received | 18 | 9 |
| Decisions made | 18 | 13 |

| Complaint category: | 2014/2015 | 2015/2016 |
|---|------------------|------------------|
| Benefits and Council Tax | 5 | 4 |
| Corporate and other services | 2 | 0 |
| Environmental Services & Public Protection & Regulation | 1 | 3 |
| Housing | 1 | 0 |
| Planning & Development | 9 | 2 |
| Total | 18 | 9 |

| Decisions made: | 2014/2015 | 2015/2016 |
|------------------------------------|------------------|------------------|
| Referred back for local resolution | 8 | 7 |
| Closed after initial enquiries | 5 | 1 |
| Investigated: Upheld | 1 | 2 |
| Investigated: Non Upheld | 4 | 3 |
| Total | 18 | 13 |

It is excellent that the number of complaints and enquiries received by the Ombudsman has reduced by 50% when compared with 2014/2015.

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 2015/2016 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 average response times to formal complaints have continued to be dealt with within the target of 10 working days.

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 2015/2016 Annual Letter, in particular, for providing the additional information 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 has enabled the Council to match up the cases that the Ombudsman has informed the Council of. The Council is very appreciative of this additional information.

9.5 It is particularly pleasing to note the number of compliments the Council has received, despite the on-going financial challenges the Council faces.

| Appendices | |
|--|---------------------|
| Document | Place of Inspection |
| Local Government Ombudsman's Letter 2015/16 | Appendix A |

| Background Information | |
|--|---|
| Document | Place of Inspection |
| Previous years reports and statistics | <p>2015 Report Item D3: http://www.rossendale.gov.uk/meetings/meeting/921/overview_and_scrutiny_committee</p> <p>2014 Report Item D1: http://www.rossendale.gov.uk/meetings/meeting/843/corporate_overview_and_scrutiny</p> <p>2013 Report Item D6: http://www.rossendale.gov.uk/meetings/meeting/759/corporate_overview_and_scrutiny</p> |