

Subject:	Council Feedback Review and Local Government Ombudsman's Annual Letter	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	16 th October 2017
Report of:	Head of Customer Services & ICT	Portfolio Holder:	Resources and Customers
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 2016 to 31 st March 2017.

2. PURPOSE OF REPORT

- 2.1 To update members on the following types of feedback for the period 1st April 2016 to 31st March 2017:
- 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:
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.

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.
- 4.3 There is risk of financial penalty should the Ombudsman find maladministration against the Council.

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 Senior 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 compliments is sent to managers to keep them aware of what is working well in their service areas. The daily message bulletins also detail compliments received to all staff. Reminders on all live complaints are sent to the relevant officers and managers for action, and the Council's Senior Management Team also reviews compliments, complaints and Ombudsman enquiries on a regular basis.

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 22 complaints and enquiries during 2016/2017, (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 2016/2017 period the Council received 107 compliments and a breakdown of the last 3 years figures can be found below:

2014/2015	2015/2016	2016/2017
170	144	107

5.3 An analysis of the 107 compliments for 2016/2017 can be found below:

Compliment about:	
Action/response/communication	13
Advice/information given	5
Bins/bin collection	3
Council decision	1
Council policy/procedure	2
Customer service	2
Flooding/drainage	1
Property/land	1
Quality of service	12
Staff member/team	65
Time taken	2
Total	107

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

Action/communication/response:

Corporate Support/Land Charges - 2
 Health, Housing & Regeneration – 3
 Legal and Democratic – 4
 Licensing & Enforcement – 1

Operations - Refuse & Cleansing – 3

Quality of service:

Capita – 2
Customer Services and ICT – 1
Finance & Property Services – 1
Health, Housing & Regeneration – 2
Legal & Democratic - 1
Operations - Refuse & Cleansing – 5

Staff member/team:

Capita – 6
Corporate Support/Land Charges – 1
Finance & Property - 1
Health, Housing & Regeneration – 9
Legal and Democratic – 19
Licensing & Enforcement – 4
Operations - Refuse & Cleansing – 19
People and Policy – 2
Planning – 4

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 2016/2017, 109 formal complaints were received by the Council.

The areas of most complaint during 2016/17 were in relation to quality of service, action/response/communication and customer service.

In relation to the 30 quality of service complaints:

- 9 were dealt with by Capita: four regarding Council Tax processing and five with switchboard issues and getting through to speak to someone.
- 4 were dealt with by Customer Services & ICT: one was about the Capita contract and three with switchboard issues and getting through to speak to someone.
- 4 were dealt with by Health, Housing & Regeneration: two were in relation to Environmental Health, one relating to treatment over housing repairs and one relating to correspondence with a tenant.
- 6 were dealt with by Licensing and Enforcement: five relating to Hackney Carriage/Private Hire licence applications and one relating to issues getting through to the department.
- 5 were dealt with by Operational Services: two regarding the investigation and removal of fly-tipping, one regarding a cemetery grave plot and two regarding the refuse

collection service.

- 2 were dealt with by Planning: one in relation to there being no-one available to give planning advice and one regarding an enforcement matter.

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

- 1 was dealt with by Capita in relation to written communications from the Council.
- 1 was dealt with by Customer Services & ICT in relation to contact with the Council regarding Council Tax/email addresses/phones.
- 1 was dealt with by Finance and Property Services regarding ongoing issues with the use and maintenance of a street.
- 1 was dealt with by Health, Housing and Regeneration regarding a response from Environmental Health.
- 1 was dealt with by Legal and Democratic Services in relation to the review of a Freedom of Information request.
- 3 were dealt with by Licensing and Enforcement: one regarding a complaint about a taxi driver's conduct, one regarding contacting the team and issues with taxi plates and one in relation to a premises and their licence.
- 6 were dealt with by the Operations Team: one in relation to a dangerous tree, one regarding a refuse vehicle collision, one regarding correspondence relating to a missed bin, two regarding phone call responses and one regarding the removal of fly-tipping.
- 2 were dealt with by Planning: one regarding the response to questions about an application and one regarding the response to a planning enforcement complaint.

In relation to the 11 customer service complaints:

- 2 were dealt with by Capita: one customer was not happy with the service received and one related to how the payment of a balance owed had been dealt with.
- 1 was dealt with by Health, Housing and Regeneration regarding the way property issues had been dealt with.
- 1 was dealt with by Legal and Democratic Services regarding a data request.
- 6 were dealt with by Licensing and Enforcement: four regarding the service received, one relating to correspondence regarding taxi plates and one regarding the lack of Licensing reception staff.
- 1 was dealt with by the Operations Team regarding correspondence and the service received.

Complaints were received for the following reasons:

Complaint about:	2014/15		2015/16		2016/17	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	13	11	16	16.5	16	14.5
Advice/information given	3	2.5	11	11.5	3	2.5
Application processing	14	12	8	8	4	3.5
Bailiff charges/action	2	2	4	4	2	1.5
Benefits processing	7	6	2	2	3	2.5
Bins/bin collection	8	7	11	11.5	9	8
Council decision	3	2.5	3	3		
Council policy/procedure	3	2.5	2	2	8	7
Council Tax charges/ decision	5	4	3	3	5	4.5
Customer service	18	15.5	8	8	11	10
Dog fouling	1	1				
Footpaths					1	1

Grass cutting						
Housing/landlord	1	1				
Litter/ debris/ fly tipping	3	2.5	3	3	3	2.5
Neighbour dispute	2	2				
Noise nuisance	1	1	2	2	1	1
Other	5	4.5	5	5	3	2.5
Property/ land	3	2.5	1	1	2	1.5
Quality of service	5	4.5	11	11.5	30	27.5
Recovery/payment of Council Tax	4	3.5	4	4	2	1.5
Signage			1	1	1	1
Staff member/ team	5	4.5			4	3.5
Time taken	8	7	3	3	1	1
Trees	1	1				
Total	115		98		109	

5.5 During 2016/2017 the average number of working days taken to deal with complaints was 12 days.

This is more than the expected customer service standard of 10 working days. This increase in the number of working days taken to respond was mainly owing to changes in key personnel and needing time to investigate complaints received prior to starting in post and understanding the background to those complaints.

A breakdown of these complaints has been provided below.

The issue with longstanding complaints was picked up mid-year 2016/2017 and a new reporting system was introduced to Management Team to highlight any longstanding complaints. The new reporting process flagged up the amount of time a complaint had been open to enable senior managers to follow up progress with staff in their departments.

In addition to the above, new measures have been put in place for sending reminders about complaint responses before they reach the response deadline and a dedicated member of staff has been given responsibility of issuing these reminders and continuing to pursue open complaints with the relevant officers.

5.6 Out of the 109 complaints received in 2016/2017, 88 cases were resolved at stage 1. There were 19 stage 2 reviews. Out of these 19 cases, 6 were subsequently referred on to the Ombudsman by the complainant.

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. Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which are scrutinised by the Overview and Scrutiny Committee.

5.9 During 2016/2017 the Ombudsman received 22 complaints about this authority of which:

- 3 were investigated
- 4 were closed after initial enquiries
- 10 were referred back to the authority (to go through the Council complaints process)
- 2 remain open
- 3 were incomplete/invalid

Of these 22 complaints 20 decisions were made by the Ombudsman as follows:

- Of the 3 complaints investigated 2 were not upheld and 1 was upheld.
- 4 complaints were closed after initial enquiries because there was no injustice.
- Of the 10 complaints referred back to the authority, the Council is not aware of any referrals coming back through the complaints system, this is because the Ombudsman did not notify the authority of any 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 complaints were incomplete/invalid. The Ombudsman has not provided any information relating to these to detail why they fell into this category.

The open complaints at the end of March will be reported in the 2017/2018 figures if the Ombudsman issues a decision within this period.

The Ombudsman made the Council aware of 9 of the 22 complaints they received in 2016/2017 (41%).

5.10 The Local Government Ombudsman made decisions on 20 complaints during 2016/2017, and as detailed above, of these the Council was made aware of and 7 of the 20 decisions made (35%).

5.11 All of the 3 investigations on which decisions were made in 2016/2017 were concerning Planning & Development (2 not upheld, 1 upheld).

In relation to the upheld complaint, the Council issued a letter of apology as it was found that there was fault in the amount of time it had taken to deal with Stage 2 of the customer's complaint. The Council also agreed to review its processes and subsequently introduced a new way of monitoring complaint responses. The Ombudsman found no fault in the nature of the complaint and how the Council had dealt with the particular planning matter.

5.12 Comparisons with 2016/2017 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2014/2015	2015/2016	2016/2017
Received	18	9	22
Decisions made	18	13	20

Complaint category:	2014/2015	2015/2016	2016/2017
Benefits and Council Tax	5	4	8
Corporate and other services	2	0	2
Environmental Services & Public Protection & Regulation	1	3	6
Highways and transport	0	0	1
Housing	1	0	0
Planning & Development	9	2	5
Total	18	9	22

Decisions made:	2014/2015	2015/2016	2016/2017
Referred back for local resolution	8	7	10
Closed after initial enquiries	5	1	4
Investigated: Upheld	1	2	1
Investigated: Non Upheld	4	3	2
Total	18	13	20

It is excellent that the number of complaints investigated by the Ombudsman has reduced from 5 to 3 when compared with 2014/15 and 2015/16.

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 2016/2017 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 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 changes have been implemented mid-year to ensure officers are reminded of any outstanding complaints.

9.2 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.

9.3 The Council would like to thank the Ombudsman for the 2016/2017 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.

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

9.5 For 2017/18 a basic summary of compliments received will be circulated to all staff via the weekly Team Rossendale Bulletins.

Appendices	
Document	Place of Inspection
Local Government Ombudsman's Letter 2016/17	Appendix A

Background Information	
Document	Place of Inspection

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Previous years reports and statistics	2016 Report Item D3: https://www.rossendale.gov.uk/meetings/meeting/964/overview_and_scrutiny_committee 2015 Report Item D3: https://www.rossendale.gov.uk/meetings/meeting/921/overview_and_scrutiny_committee
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