

Subject:	Council Feedback Review and LGO Enquiries	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	17 th September 2018
Report of:	Head of Customer Services & ICT	Portfolio Holder:	Regulatory Services and Health, Housing, Communities and Customer Service
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 (LGO) enquiries and complaints for the period 1 st April 2017 to 31 st March 2018.

2. PURPOSE OF REPORT

- 2.1 To update members on the following types of feedback for the period 1st April 2017 to 31st March 2018:
- Compliments
 - Formal complaints
 - Local Government Ombudsman enquiries and 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 enquiries) are administered by the Committee and Member

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Services Team. Compliments, complaints and LGO enquiries 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 Local Government Ombudsman details the number of enquiries and complaints received and the decisions made. The Ombudsman reported that that they received 12 complaints and enquiries during 2017/2018, (see section 5.7 - 5.12 for further detail and the data 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 2017/2018 period the Council received 93 compliments and a breakdown of the last 3 years figures can be found below:

2015/2016	2016/2017	2017/2018
144	107	93

5.3 An analysis of the 93 compliments for 2017/2018 can be found below:

Compliment about:	
Action/response/communication	7
Advice/information given	12
Application processing	1
Customer service	1
Quality of service	15
Staff member/team	56
Time taken	1
Total	93

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

Advice/information given:

Legal and Democratic (includes Elections) – 12

Quality of service:

Corporate Support – 3

Customer Services and ICT – 1

Economic Development (includes Property Services) – 3

Environmental Health – 1

Legal & Democratic - 6
Operations – 1

Staff member/team:

Building Control - 1
Capita – 5
Communities - 1
Corporate Support – 3
Customer Services and ICT - 1
Economic Development (includes Property Services) – 4
Environmental Health – 4
Finance - 2
Housing – 1
Legal and Democratic (includes Elections) – 18
Licensing & Enforcement – 6
Operations – 5
People and Policy – 1
Planning – 4

During 2017/18 a basic summary of compliments received has been circulated to all staff via the weekly Team Rossendale Bulletins.

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 2017/2018, 109 formal complaints were received by the Council.

The areas of most complaint during 2017/18 were in relation to action/ response/ communication, bins/bin collection and council decision.

In relation to the 20 action/response/communication complaints:

- 1 was dealt with by Building Control in relation to communications between the Council and the customer's builder in relation to some changes to the customer's property.
- 5 were dealt with by Capita in relation to written communications from the Council.
- 1 was dealt with by Environmental Health regarding a response to a noise complaint.
- 1 was dealt with by the Executive in relation to a response letter.
- 3 were dealt with by Legal and Democratic Services in relation to responses regarding an FOI, a letter and a contract.
- 6 were dealt with by Operations in relation to responses to a bin request, dog fouling enquiry, an email, an initial enquiry and two fly tipping requests.
- 3 were dealt with by Planning one in relation to the response on a S106 query, one regarding a premises change of use and one regarding the response on a planning

application objection.

In relation to the 23 bins/bin collection complaints:

- 23 were dealt with by Operations as follows: 18 regarding issues with bin collections, 3 relating to getting a bin, 1 regarding the application for a brown bin and 1 relating to a bin obstruction.

In relation to the 13 council decision complaints:

- 1 was dealt with by Environmental Health regarding an abatement notice.
- 1 was dealt with by Operations regarding a repair.
- 11 were dealt with by Planning regarding a Development Control Committee decision.

Complaints were received for the following reasons:

Complaint about:	2015/16		2016/17		2017/18	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	16	16.5	16	14.5	20	18
Advice/information given	11	11.5	3	2.5	3	3
Anti-social behavior					1	1
Application processing	8	8	4	3.5	2	2
Bailiff charges/action	4	4	2	1.5	1	1
Benefits processing	2	2	3	2.5	4	4
Bins/bin collection	11	11.5	9	8	23	21
Council decision	3	3			13	12
Council policy/procedure	2	2	8	7		0
Council Tax charges/ decision	3	3	5	4.5	7	6
Customer service	8	8	11	10	3	3
Dog fouling					1	1
Footpaths			1	1	1	1
Housing/landlord					2	2
Litter/ debris/ fly tipping	3	3	3	2.5	4	4
Noise nuisance	2	2	1	1		0
Other	5	5	3	2.5	2	2
Property/ land	1	1	2	1.5	3	3
Quality of service	11	11.5	30	27.5	8	7
Recovery/payment of Council Tax	4	4	2	1.5	3	3
Signage	1	1	1	1	1	1
Staff member/ team			4	3.5	5	5
Time taken	3	3	1	1	2	2
Total	98		109		109	

Learning and improvements

In relation to lessons learned and actions being put in place as a result of previous formal complaints the following has been noted during the 2017/18 period:

More information is to be requested where someone complains on behalf of someone else, as often the perception of the complaint can differ between the parties concerned. There are also issues in these instances over what information can be shared and this needs to be made clear at the start of the complaint process. In most cases it is better to deal directly with the person affected.

If an officer has already been dealing with the complainant prior to a formal complaint being submitted it is better for the complaint to be escalated to a higher manager to be dealt with rather than the Stage 1 response being done by anyone previously involved.

As a result of complaints made in previous years' regarding customer contact by telephone especially where the Council had received complaints about poor service, no call queuing information and customers unaware of what was happening on the telephone call, a new telephone system was put in place. The improvements compared to the previous year have resulted in the following:

- Reduction of 15000 revenues and benefits calls
- Reduction of 4500 out of hour calls
- Reduction of 24000 switchboard calls

There are changes planned in relation to refuse collection rounds, which are expected to be implemented in October. Some of the work on the heavier rounds will be reorganised as will staffing, to ensure there are regular staff in place that are familiar with the round and the location of bins. This will reduce incidents of missed bins and will result in a reduction in complaints of this nature.

5.5 During 2017/2018 the average number of working days taken to deal with complaints was 9.5 days, which is within the expected customer service standard of 10 working days. This is an improvement of 2.5 days when compared with 2016/2017.

5.6 Out of the 109 complaints received in 2017/2018, 89 cases were resolved at stage 1. There were 20 stage 2 reviews. Out of these 20 cases, 5 were subsequently referred on to the Ombudsman by the complainant.

5.7 **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.

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 Senior 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 2017/2018 the Ombudsman received 12 complaints about this authority of which:

- 4 were closed after initial enquiries because there was no injustice.
- 4 were 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, this is because the Ombudsman did not notify the authority of the details of these 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.
- 1 was incomplete/invalid. The Ombudsman has not provided any information relating to why they fell into this category.
- 3 remained open (as at 1st April 2018). These have now been closed and a decision issued by the Ombudsman, which will be reported in the 2018/19 report.

The Ombudsman made the Council aware of 7 of the 12 complaints they received in 2017/2018 (53%).

5.10 The Local Government Ombudsman made decisions on 12 complaints during 2017/2018 as detailed below:

- 3 complaints were investigated: 2 were upheld (one carried over from 2015/16 and one carried over from 2016/17) and 1 was not upheld (carried over from 2016/17).
- 4 were referred back to the authority (to go through the Council complaints process).
- 4 were closed after initial enquiries because there was no injustice.
- 1 was incomplete/invalid.

The Ombudsman made the Council aware of 7 of the 12 decisions made in 2017/2018 (53%).

5.11 Of the 3 investigations on which decisions were made in 2017/2018, 2 concerned Environmental Services & Public Protection & Regulation (1 upheld with report and further report issued / 1 not upheld) and 1 concerned Corporate & Other Services (upheld).

In relation to the upheld Environmental Services & Public Protection & Regulation complaint, the Ombudsman found that there had been fault on the part of the Council, and this had caused injustice. This was in relation to the processing of a hackney carriage driver's licence. Following clarification by the Ombudsman as to the meaning of their original report, the report and further report recommendations were accepted by Council on 11th July 2018 and a letter of apology issued and financial redress of £350 made. The new policies which have now been introduced will ensure that the issue is not likely to occur again. The policies have also had an impact on service delivery to ensure that turnaround is timely in relation to new applications, in addition to ensuring that there are robust procedures in place.

The other Environmental Services & Public Protection & Regulation was in relation to rubbish and large items being left on a piece of land and potential footpath obstruction. This complaint was not upheld and there was no fault found in the Council's actions.

The upheld Corporate & Other Services complaint concerned the payment of outstanding rent and following the decision issued by the Ombudsman the outstanding rent was paid to the complainant including the interest (total paid £2223.16). The learning outcome from this complaint will be to ensure that settlements are paid in line with any agreement made.

5.12 Comparisons with 2017/2018 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2015/2016	2016/2017	2017/2018
Received	9	22	12
Decisions made	13	20	12

Complaint category:	2015/2016	2016/2017	2017/2018
Benefits and Tax	4	8	5
Corporate and other services	0	2	3
Environmental Services & Public Protection & Regulation	3	6	1
Highways and transport	0	1	0
Housing	0	0	2
Planning & Development	2	5	1
Total	9	22	12

Decisions made:	2015/2016	2016/2017	2017/2018
Referred back for local resolution	7	10	4
Closed after initial enquiries	1	4	4
Incomplete/invalid	0	0	1
Investigated: Upheld	2	1	2
Investigated: Non Upheld	3	2	1
Total	13	20	12

The Council would like to thank the Ombudsman 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.

It is excellent that the number of enquires/complaints received by the Ombudsman has reduced significantly in 2017/18 from 20 to 12 and that the number of investigated complaints remains low similar to 2016/17.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 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 2017/2018 the Ombudsman has awarded two penalties against the Council with a total value of £2573.16.

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, Senior Management Team and Managers.

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 Senior Management Team.

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 It is particularly pleasing to note the following:

- the improvement in the average number of days taken to respond to complaints during 2017/18, which was with the 10 working day response deadline.
- the reduction in the number of enquiries and complaints received via the Ombudsman.
- the number of compliments the Council receives, despite the on-going financial challenges the Council faces.

Background Information

Document	Place of Inspection
2015/16 Report Item D3:	https://www.rossendale.gov.uk/meetings/meeting/964/overview_and_scrutiny_committee
2016/17 Report Item E1:	https://www.rossendale.gov.uk/meetings/meeting/1040/overview_and_scrutiny_committee