

Item 5

REPORT TO OVERVIEW AND SCRUTINY COMMITTEE 1

20th November 2007

REPORT OF CHIEF EXECUTIVE

Strategic Leadership Portfolio

HALF YEARLY REPORT ON COMPLAINTS RECEIVED BY CORPORATE COMPLAINTS STAFF

1. SUMMARY

1.1 This Report outlines the complaints/issues received by the Corporate Customer Relations Staff in the Chief Executive's Department in the period 1st April 2007-30th September 2007 (195 no.). Figures are also given for the period 1st April 2006-30th September 2006 (394 no.) to enable comparisons to be made (Appendix 1).

2. RECOMMENDATION

2.1 That the half year report be received and a full year report for 2007/2008 be prepared for consideration at a future meeting.

3. BACKGROUND

3.1 The Borough Council has adopted a revised Complaints Policy, which is aimed at providing residents and other users of Borough Services with the opportunity to comment on/criticise those Services or service delivery. We attempt to resolve complaints quickly and, as far as possible, at the point of delivery.

3.2 The Policy provides for the publication of a half yearly and an Annual Report on complaints handling.

4. DETAIL

4.1 It is pleasing to note that the number of complaints/issues dealt with by Corporate Complaints Staff has decreased from 394 in the first 6 months of 2006/2007 to 195 in the same period in 2007/2008, a decrease of 199 (51%). This is even more pleasing when you look at the first six months of 2005/2006 when 561 complaints/ issues were dealt with. Service Departments and the Customer Services Centre Staff have been able to deal with substantially more complaints to the customers satisfaction at the first point of contact and avoided the issue being escalated to my Corporate Complaints Staff.

4.2 The main area of complaint (37% of the total) relates to services provided by the Housing Department. However the total volume of complaints about these

services fell from 153 to 73 (52%), with justified complaints falling from 16 to 9, a reduction of 43%.

- 4.3 There has been a continuing decrease in the number of complaints about the Maintenance Service (from 66 to 45) with the number of justified complaints decreasing from 14 to 6. The reason for the justified complaints was work not being carried out within target.
- 4.4 15,135 jobs were issued in the period and justified complaints represent 0.05% of that total.
- 4.5 Of the 72 complaints about Housing Management received in the first 6 months of 2006/2007, 39 were from one tenant (none were justified). Even taking this into account the reduction to 18 in the first 6 months of 2007/2008 is pleasing. 2 complaints were, however, justified compared with 3 in the first 6 months of 2006/2007. The first involved an 'offer of accommodation' letter being incorrectly addressed and the property subsequently being let to another applicant. This was immediately rectified by offering the aggrieved applicant a similar property which had become available in the same Street. The second related to correspondence not being shared within sections and staff have been asked to ensure that procedures are in place to ensure information is shared when appropriate.
- 4.6 The number of complaints about Housing Improvements/Property Services has reduced with one of the 10 complaints found to be justified. This involved an external contractor not finishing off some 'pipe boxing' work to a property within a reasonable time. The work was completed immediately it was brought to our attention and the contractor has been reminded about his obligations.
- 4.7 Only 10 complaints were made against the Benefits, Council Tax and Business Rates Services with only 1 about Benefits being justified. This was a case where documents to assist in processing a claim had been received but subsequently mislaid. Once it was discovered that the documents were missing, further discussions were held with the claimant and the claim processed. Viewed against the number transactions carried out over the period the performance of these services is very good indeed.
- 4.8 The number of complaints made against the Street Cleansing, Horticulture, and Environmental Health Services continue to fall with none of the complaints being justified which is a credit to these Services.
- 4.9 There were 6 complaints about Development Control with one being found to be justified. This involved a delay in responding to e-mails relating to a particular application. While the priority for Development Control is to process applications, Staff have been reminded to respond to all correspondence within 10 days.
- 4.10 Refuse Collection has seen a further reduction in the number of complaints with none being found to be justified. This, again, is a credit to the Service.
- 4.11 There were no justified complaints against Leisure Services in the first half year.

- 4.12 It is pleasing to note that there were no complaints made relating to any of the six strands of the Equity and Diversity Standard for Local Government i.e. race, disability, age, religion and philosophical belief, gender or sexual orientation. Any complaints of this nature which are received will be discussed with the Borough's Equity and Diversity Staff and appropriate action taken.
- 4.13 Corporate Complaints Staff continue to play a role in offering advice and directing people to Other Agencies e.g. Police, County Council with some 16% of issues falling in this category.
- 4.14 As mentioned in para 4.1, the number of complaints reaching the Corporate Complaints Staff continues to fall from a peak of 561 in the first 6 months of 2005/2006. Departments have been encouraged to resolve complaints at the first point of contact whenever possible and have responded well to this. Also Customer Service Centre Staff have built up a tremendous skill base in dealing with various front line services e.g. housing maintenance and are frequently able to resolve issues at the first point of contact and avoid the escalation of many complaints.
- 4.15 The Corporate Complaints Staff aim to respond to 100% of complaints and enquiries within 10 Working days and achieved 97.5% in the first half of the current year compared with 98.9% in the first half of 2006/2007. Procedures have been changed to ensure that all complaints receive at least a 'holding response' if it is not possible to fully resolve a complaint within target. 78 % of issues are, however, responded to within 1 working day.
- 4.16 If complainants are still not satisfied after they have exhausted the Borough's Complaints Procedure they are advised that they have the right to complain to the Local Government Ombudsman. Where the Borough has been at fault, however, Staff do try to reach a settlement so that complainants do not feel it necessary to approach the Ombudsman. When attempting to reach a settlement Staff refer to the Ombudsman's Guidance on Remedies.
- 4.17 In the first 6 months of 2007/2008 10 cases were investigated and decided by the Ombudsman. The Borough was not found guilty of maladministration in any of these cases.

5. OMBUDSMAN'S ANNUAL LETTER 2006-2007

- 5.1 Each year the Ombudsman sends an Annual letter outlining her reflections on the complaints received against the Council. A copy of her letter for 2006/2007 is attached at Appendix 2.
- 5.2 The number of complaints received fell from 30 to 26.
- 5.3 21 cases were decided by the Ombudsman with none being found to be 'maladministration and three settled locally.
- 5.4 Of the local settlements the first related to a failure to notify a complainant within a reasonable time of the outcome of a Planning Enforcement enquiry. The second was a simple human error when a Building Control Inspection did not pick up a difference to the number of downcomers provided to a property

as against the number shown on the approved plan. A settlement had actually been offered to the complainant and refused before the Ombudsman was involved. The Ombudsman agreed with the settlement originally offered.

- 5.5 The final local settlement related to a heating system in a Council Property which, although working, had not been fully functional despite a number of visits over a period of 4 years. Property Services are developing the 'Orchard' Housing Management/ Maintenance System to provide management reports to prevent this type of situation arising in the future. In the meantime all staff have been asked to be vigilant and highlight any property where frequent repairs are being requested for the same issue.
- 5.6 The Ombudsman has commended the Borough for the way in which the local settlement complaints were dealt with.
- 5.7 The Borough's response times to the initial enquiries from the Ombudsman, however, were very disappointing.
- 5.8 The cases dealt with were very complex and it was not possible to respond as quickly as we would have liked. One of the cases was initially opened in 2005/2006 (when complaints were running at over 500 per half year). While discussions were actually being held with the Ombudsman a formal written reply had not been given which did impact on the average response time.
- 5.9 To ensure that our response times improve procedures have been tightened up. Firstly Departments are being asked to ensure that comments on Ombudsman's initial enquiries are provided, together with files/other documentation, as soon as possible but not later than 10 working days after receipt. Regular progress meetings have been introduced to ensure that responses to the Ombudsman are provided quickly. Also, all initial enquiries will in future receive a formal written response.
- 5.10 In view of the reduction in the number of complaints reaching the Corporate Complaints Staff over the last six months it is anticipated that, together with the actions outlined in para 5.9, our response times will be much improved during the current year.
- 5.11 The Ombudsman has pointed out that the number of premature complaints to her is higher than normal. To address this an article will be placed in Inform in the New Year to explain the Complaints Procedure to residents. Housing Management Staff have recently received training on the Complaints Procedure and this training will be extended to other services/Departments over the next 6 months.
- 5.12 Training for Councillors on the Borough's Complaints Procedure and the Role of the Ombudsman has been arranged and is scheduled to be given in the New Year.
- 5.13 It is pleasing to note that working relations between Complaints Staff and the Ombudsman's Office remain good. We also consult/seek advice from the Ombudsman on particular complaints when some form of settlement appears appropriate.

- 5.14 The Ombudsman has recently issued two Special Reports. The first relates to problems with 'prior approval' applications for Telecommunications Masts. The second is on how citizens can obtain redress when something goes wrong with a service which is delivered through a partnership of providers. Both documents will be examined to see what 'good practice' issues are raised which can be used to improve our systems and procedures.
- 5.15 While not mentioned in the Ombudsman's Annual Letter a Guidance Note on dealing with 'unreasonably persistent complainants' and 'unreasonable complainant behaviour' has been issued to all Authorities. This Guidance Note will be used to help in the formulation of a Policy to ensure that we deal with such complainants and their behaviour in a way which can clearly be seen to be consistent and fair.
- 5.16 A copy of the Ombudsman's Annual Letter has been posted on the Council's Website.

6. RESOURCE IMPLICATIONS

- 6.1 There are no resource implications arising from this Report.

7. CONSULTATIONS

- 7.1 The Report will be available on the Council's website.

8. OTHER MATERIAL CONSIDERATIONS

Link to Corporate Objectives/Values

- 8.1 The complaints process is aimed at being open, accessible, equitable, fair and responsive to the public and to speedily resolve any problems. This report is a public document and is available on the Borough's Website. The analysis of complaints received helps drive service improvement through the presentation of regular reports to Departments and Scrutiny Committee.

Risk Management

- 8.2 Systems are in place to provide a Half Yearly Report and an Annual Report on Complaints to ensure that the complaints process informs learning throughout the Council and encourages service improvements.

Health and Safety

- 8.3 There are no additional Health and Safety implications.

Equality and Diversity

- 8.4 The Complaints Process actively promotes the Borough's commitment to promote equality and diversity. Complaints can be made in any form e.g. in writing, by phone, e-mail and interpreters and signers are available for people requiring such assistance.

Legal and Constitutional

8.5 No new implications have been identified.

8.6 No other material considerations have been identified.

9. OVERVIEW AND SCRUTINY IMPLICATIONS

9.1 Regular half year and full year Reports will continue to be submitted to Scrutiny Committee 1.

10. LIST OF APPENDICES

Appendix 1 - Complaints/Issues dealt with by Corporate Complaints Staff
Appendix 2 – Annual letter from Ombudsman

Contact Officer Andrew Traynor/Chris Ward
Telephone Number 01388 816166 Ext. 4281/4100
E-mail address atraynor@sedgefield.gov.uk
cward@sedgefield.gov.uk

Wards: All

Examination by Statutory Officers:

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appendix 1 – Complaints/Issues dealt with by Corporate Complaints Staff

1st April – 30th September 2006 1st April – 30th September 2007

	Total	No. Justified	Total	No. Justified
Housing Maintenance	66	14	45	6
Housing Management	72	2	18	2
Housing Imp./Property Services	15	0	10	1
Advice/Other Agency	71	N/a	31	N/a
Customer Services	4	2	2	0
Regeneration	0	0	1	0
Benefits	5	0	3	1
Council Tax	11	0	7	0
Business Rates	1	0	0	0
Valuation	1	0	1	0
Neighbourhood Wardens	4	0	0	0
Carelink	2	0	3	0
Development Control	8	1	6	1
Building Control	0	0	1	0
Horticulture	8	0	1	0
Street Cleansing	1	0	0	0
Refuse	45	3	11	0
Drainage	0	0	1	0
Environmental Health	1	0	0	0
Licensing	0	0	3	0
Engineers	0	0	1	0
Leisure	1	0	1	0
Service Requests	82	N/a	49	N/a
Total	394	22	195	11

Appendix 2



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter to
Sedgefield Borough Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume & Character

The number of complaints against the Council received by this office fell from 30 to 26. That will be welcome but is within the normal range of apparently random variation from year to year. The distribution of those complaints between departmental areas gives no cause for concern.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I did not issue any reports against the Council during the year. Three complaints merited my staff seeking some form of remedy from the Council. In one case there was a failure to identify faults with a domestic boiler despite over 30 visits! A private contractor used by the council at our request immediately identified the fault. The Council needs to ensure that its repair services are up to the job and I ask it to tell me what followed from this unfortunate case – one that resulted in £4,000 worth of much deserved compensation for the complainant. In all three settled cases there were favourable comments from the Investigators about the way the Council dealt with the complaints. I commend the Council for this.

Other findings

21 complaints were decided in the year by my staff. Eight of those were premature – ie the Council had not had a prior opportunity to investigate and respond under its complaints procedure. One complaint was outside my jurisdiction, and in three cases my Investigators exercised their discretion not to investigate the complaints. In the remaining six cases, no evidence of maladministration was found after investigation.

Liaison with the Local Government Ombudsman

I have to draw to the Council's attention its lamentable figure for responding to enquiries. We set a target of 28 days on average. In the previous year the Council was close with around 31 days. Last year the average time was over 70 days on nine enquiries. One complaint took over 200 days. This was the complaint about the boiler to which I refer above. I accept that things were happening in the interim but this was far too long. In response to last year's relatively good times, the Council said it was looking into making improvements. This year's figures are, therefore, doubly disappointing and I ask the Council to let me know as a matter of urgency how it proposes to get back on track next year.

Beyond the problems noted above working relations as between our offices remain good. The Council's staff attended training in complaints handling provided by our own training team at the neighbouring Easington Council in June 2006. Feedback was positive and I trust that the Council can make good use of this. Further details of our training courses are given below.

Your Council's complaints procedure and handling of complaints

The number of premature complaints to me is a rather higher percentage than is normal. I am reluctant to make too much of this figure but it could indicate that the Council's own procedure is not as well known as it might be to citizens and/or staff.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex
Local Government Ombudsman
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York
YO30 5FZ**

June 2007