

Item 4

REPORT TO STRATEGIC LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

18th November 2008

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 2008-30th September 2008 (278 no.). Figures are also given for the period 1st April 2007-30th September 2007 (195 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 2008/2009 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 The number of complaints/issues dealt with by Corporate Complaints Staff has actually increased from 195 in the first 6 months of 2007/2008 to 278 in the same period in 2008/2009, an increase of 83 (42%). 47 (55%) of these issues were, however, requests for advice/service requests and not complaints. Also the number of identified as justified has only risen from 11 to 14.

4.2 50% of the issues raised related to services provided by the Housing Department with the 10 justified complaints relating to the maintenance service. The main reason for the justified complaints was work not being

carried out within timescale. It has to be accepted that, on occasions, resources (men or materials) are simply not available to complete every job within timescale but the Contractor has been asked to ensure that every effort is made to carry out work within timescale and, where this is not possible, give the tenant an update.

- 4.3 Only one formal complaint was made about grass cutting within the curtilage of dwellings. Problems did occur at the start of the contract but these have been rectified and it is not anticipated that they will reoccur next year.
- 4.4 There has been an increase in the number of complaints about Housing Management but none were identified as being justified compared with 2 in the first 6 months of 2007/2008.
- 4.5 The number of complaints about Housing Improvements/Property Services has reduced with none of the 5 complaints found to be justified.
- 4.6 Two complaints were made against Customer Services with one relating to the telephone system being justified. Intermittent problems had been experienced with callers being cut off when incoming calls were at high levels. This has since been resolved by the supplier of the system.
- 4.7 Only 13 complaints were made against the Benefits, Council Tax and Business Rates Services with only 1 relating to Council Tax being justified. This was a case of simple human error where an incorrect date had been input into our Council Tax System which caused recovery action to be instigated for a 'debt' which did not exist. Staff have been reminded to be vigilant when inputting data. 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 has risen but none of the complaints were justified which is a credit to these Services.
- 4.9 There were 4 complaints about Development Control with one being found to be justified. This involved a delay in responding to a letter relating to a particular development. 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 slight increase in the number of complaints with one being found to be justified. This was simply an oversight in not responding to an enquiry. Overall this is very pleasing when you take into account the number of refuse, recycling and special collections carried out each week.
- 4.11 There were not any formal 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 21% of issues falling in this category.
- 4.14 While the number of issues being received by the Corporate Complaints Staff has risen, it is still well below the peak of 561 received 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 100% in the first half of the current year compared with 97.5% in the first half of 2007/2008. 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. 73 % 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 14 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 2007-2008

- 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 2007/2008 is attached at Appendix 2.
- 5.2 The number of complaints received fell from 27 to 13.
- 5.3 23 cases were decided by the Ombudsman with none being found to be maladministration and 7 settled locally.
- 5.4 The Ombudsman has commended the Borough for the way in which the local settlement complaints were dealt with during the course of her investigations.
- 5.5 She has commented that these 7 Local Settlements had been previously considered by the Borough through its Complaints Procedure and asks whether our internal procedure is as robust as it needs to be. 3 of the 7 cases had not actually been through our complaints procedure. Of the remaining 4 cases, 3 had been investigated and settlements offered by the Borough

which the complainants did not accept. The final complaint had been investigated by the Borough and no maladministration found but the complainant had not been formally notified. The Local Settlement agreed with the Ombudsman was an apology and a goodwill gesture for the time and trouble in pursuing the issue with the Ombudsman

- 5.7 The Borough's response times to the initial enquiries from the Ombudsman, however, while an improvement on 2006/2007 were still disappointing.
- 5.8 When responding we do aim to give a comprehensive response and not send off information/documentation in a piecemeal fashion. Often there are a lot of documents/files to be read and assimilated which is very time consuming. Also Ombudsman Enquiries are about what happened (or did not happen) as opposed to current complaints which often have to be dealt with immediately. The cases dealt with were very complex and it was not possible to respond as quickly as we would have liked. In one case discussions were actually being held with the Ombudsman but a formal written reply had not been given which did impact on our average response time.
- 5.9 To ensure that our response times improve, Departments are being reminded 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. Also, all initial enquiries will in future receive a formal written response.
- 5.10 I am pleased 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.
- 5.11 A copy of the Ombudsman's Annual Letter will be posted on the Council's Website.
- 5.12 A Training Course for Councillors on the Borough's Complaints Procedure and the Role of the Ombudsman was held on 2nd October 2008.

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 2007 1st April – 30th September 2008

	Total	No. Justified	Total	No. Justified
Housing Maintenance	45	6	65	10
Housing Management	18	2	26	0
Housing Imp./Property Services	10	1	5	0
Advice/Other Agency	31	N/a	60	N/a
Customer Services	2	0	2	1
Regeneration	1	0	0	0
Freedom of Information	0	0	1	0
Benefits	3	1	2	0
Council Tax	7	0	9	1
Business Rates	0	0	2	0
Valuation	1	0	0	0
Neighbourhood Wardens	0	0	1	0
Carelink	3	0	1	0
Development Control	6	1	4	1
Building Control	1	0	1	0
Home Improvement Agency	0	0	1	0
Private Sector Renewals	0	0	5	0
Horticulture	1	0	5	0
Street Cleansing	0	0	2	0
Refuse	11	0	14	1
Drainage	1	0	0	0
Environmental Health	0	0	1	0
Taxi Licensing	3	0	2	0
Bus Passes	0	0	2	0
Engineers	1	0	0	0
Leisure	1	0	0	0
Service Requests	49	N/a	67	N/a
Total	195	11	278	14

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Sedgefield Borough Council
for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints received about Sedgfield Borough Council and comments on the authority's performance and complaint-handling arrangements.

As a result of Secretary of State's decisions on the future structure of local government in Durham this is the last Annual Letter that I shall be sending to the Council in its present form. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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

During the year I received 13 complaints against the Council a fall of 14 when compared with the 27 received in the previous year [30 having been received during the year before that]. I would draw no conclusions from such small numbers.

Liaison with the Local Government Ombudsman

In my annual letter last year I raised with the Council my concern about the time taken to respond to my initial enquiries set against a request to let me have such comments within 28 calendar days. I asked the Council to respond to complaints on just 5 occasions during the year but, on average, the Council's response took 51.6 days to reach me. On no single occasion did the Council meet the 28 day target. I recognise the improvement when compared with the 70.8 days taken in the previous year but I am bound to say that the performance of the Council in this regard is poor and reflects badly upon the commitment of the Council to good customer services.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

I issued no reports against the Council during the year.

Other findings

During the year I determined 23 complaints, a figure which differs from the number of complaints sent to me because of work in hand at the beginning of the year. Of these complaints 5 were premature while 2 were outside of my jurisdiction. In one case I exercised the general discretion available to me not to pursue the matter and in 8 cases I found no evidence of maladministration by the Council.

In 7 cases the Council agreed to settle the complaints acknowledging that something had gone wrong and that it was appropriate to offer the complainant some form of remedy. My investigators made notes in a number of these cases recording the positive attitude and co-operation shown by the Council's liaison officer and I commend the Council for this. It is unfortunate that this level of co-operation was not replicated by the Council in terms of the speed of the responses sent to me.

Your Council's complaints procedure and handling of complaints

I have referred to my concern about the time taken by the Council to respond to me but I have no evidence to suggest that the Council was equally tardy in responding to those people who complained directly to the Council. What I would say though is that those complaints that did reach me and were settled by the Council had been considered previously by the Council, and it begs the question as to whether the Council's internal complaints procedure is as robust as it needs to be. The Council might wish to reflect upon this.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

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

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

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
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2008

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