

ITEM 10

Annual Report on Complaints

Report of the Chief Executive (Portfolio: Corporate)

Recommended:

That the annual report be considered and endorsed.

SUMMARY:

- The Chief Executive and Services together dealt with 189 complaints under the Council's formal procedure, in the year 2017/18.
- The Local Government and Social Care Ombudsman (LGSCO) made preliminary enquiries about 8 complaints relating to TVBC and began an investigation into 3 of these for the year ended 31 March 2018.

1 Background

To facilitate the periodic monitoring of complaints and review by this Committee each year, Services are required to prepare an annual summary of complaints dealt with under the Council's formalised procedure (the year runs from 1 April 2017 to 31 March 2018).

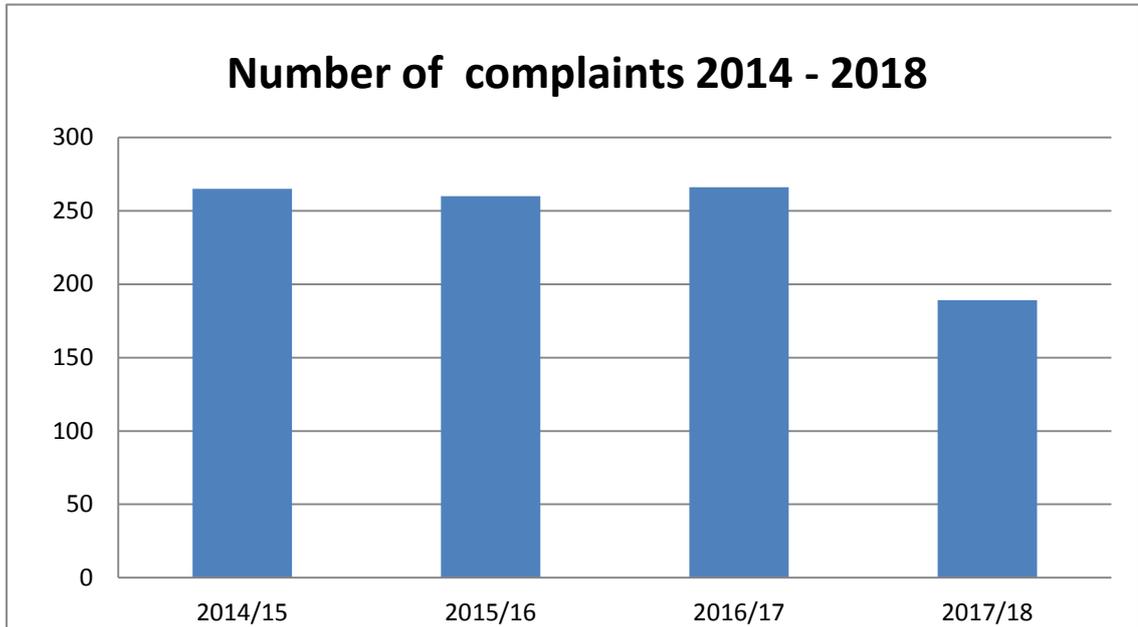
- 1.1 A complaint is defined within the Council as: *"an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, or its staff, affecting an individual customer or group of customers."*

Complaints recorded under the formal procedure (and dealt with in this summary report) do not include those 'first time' representations which were effectively requests for a service and dealt with as such. Accordingly, a new report of a missed bin, or a broken swing, for example, would not be registered and dealt with as a complaint, but as a request for action. Of course, in the event that the Council failed to respond to the 'request' appropriately, then that may generate a complaint. Appeals against the level of Housing Benefit or Council Tax Support awarded are not treated as complaints but are dealt with under a separate appeals route.

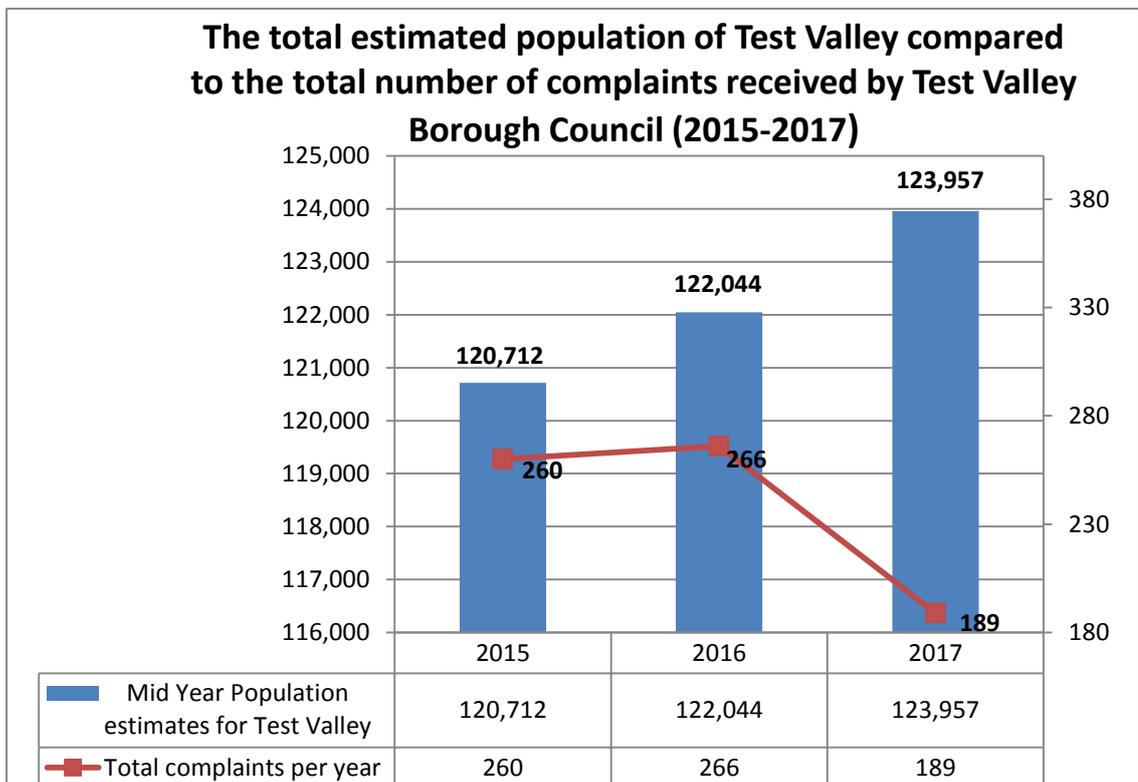
2 Complaints 2017/18

- 2.1 In the year 2017/18 there were 189 service level complaints (those dealt with by more than one service at the same time are counted as one complaint). From these 189 complaints, 12 were escalated to the Chief Executive and 8 were the subject of LGSCO enquiries.

This year sees a significant decrease of 77 complaints in the number of complaints received from the previous year (266 in 2016/17).



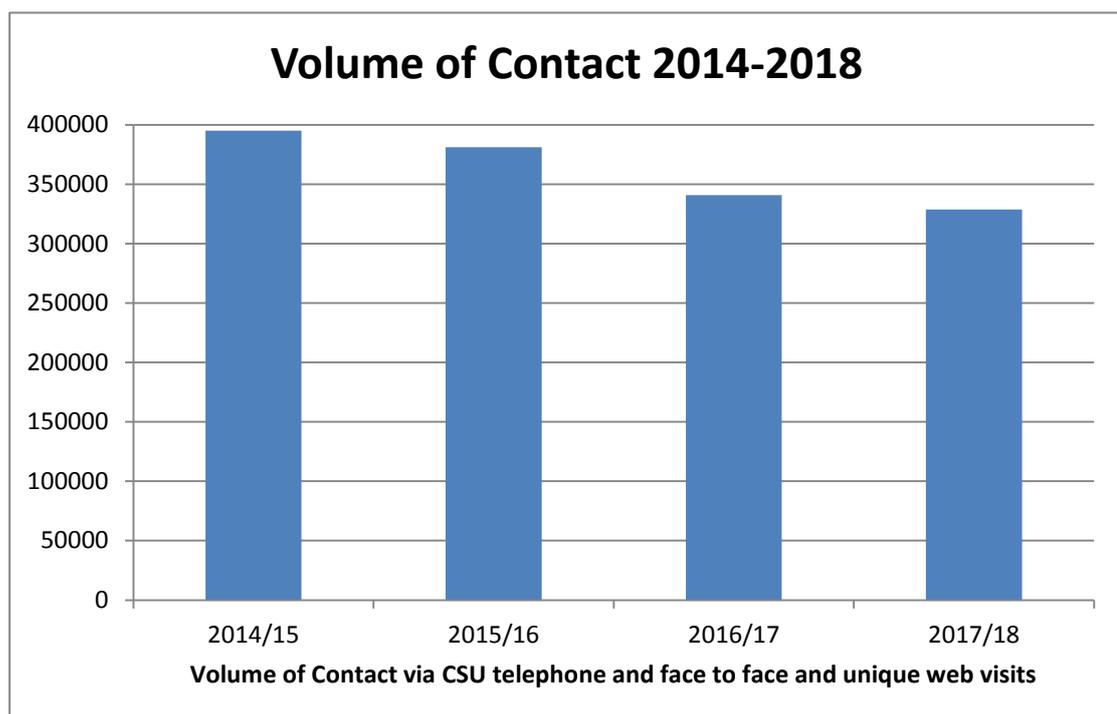
The number of complaints has declined this year after a relatively stable three years, despite the increase in housing and population in the borough, as shown below.



Customer Service unit figures for the year indicate that they received over 86,100 telephone calls which has decreased from 93,200 the previous year. The number of face to face contacts for the year was 13,112, a decrease from 17,995 the previous year. The website received over 262,000 unique visitors for 2017/18. A unique visitor is an individual that uses the website, however an individual may use the website numerous times. Therefore, the number of times the site was entered better illustrates the use of the website and these totalled over 505,650 sessions for 2017/18.

It should be noted that the data for the website is not complete for the year due to the website upgrade, which meant two weeks of statistics were not collected. Nevertheless, it still indicates an increase in visitors to the website, from 229,500 unique visitors last year.

The number of telephone contacts continues to decrease from previous years, and this can be attributed to the new self serve processes put in place, to enable and encourage customers to do their business with the Council electronically. Overall, the total number of customer contacts for 2017/18 has reduced from the previous year: approximately 340,700 in 2016/17 to approximately 328,700 in 2017/18.



The following table gives a breakdown of the number of complaints which continues to account for significantly less than 1% of overall transactions, and falls well within accepted customer service industry standards.

Stage of complaints process	Number of complaints
Service level	189
Chief Executive escalations	12 (from the 189 above)
Local Government and Social Care Ombudsman	8

2.2 The annual complaints logs contain personal information that should not be published. This corresponds with the Ombudsman’s view that it is neither necessary, nor desirable, for the Council to make such details public. As a result the information provided in this report is largely statistical in nature. Councillors should refer to the Complaints and Communications Officer if they require more details about a specific case.

2.3 Specific Service Considerations

The number of complaints and compliments received can be broken down across the services as follows:

Service	Number of complaints	As a % overall	Compliments
Environmental	92	48.68	137
Estates and Economic	28	14.81	5
Planning & Building	14	7.41	66
Housing & Environmental Health	13	6.88	3
Revenues (incl CSU)	13	6.88	19
Communities & Leisure	11	5.82	21
Legal & Democratic	7	3.70	Not logged
Cross Service	9	4.76	n/a
Chief Executive	2	1.06	Not logged

CEX escalations from the 189 service level complaints	12	6.35	n/a
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The number of complaints for each service does not, of course, necessarily provide a direct correlation with the standard of customer service provided, and that these overall results cannot be treated in isolation. Each of these service results are heavily influenced by the type of business transacted by that service, for example, the number of customer facing transactions carried out, the public profile of the actions carried out by that service, and whether the customer has alternative formal routes for redress or appeal.

Environmental Services

The Environmental Service receives the highest number of complaints but these are very low when considering the number of interactions it has with the public. For example, in 2017/18, the Environmental Service provided waste and recycling collections to 54,000 properties within Test Valley each week. This totals over 2,800,000 collections a year. Using this example, the number of complaints received equates to only 0.003% of collections. It is also notable the number of complaints is significantly lower than last year.

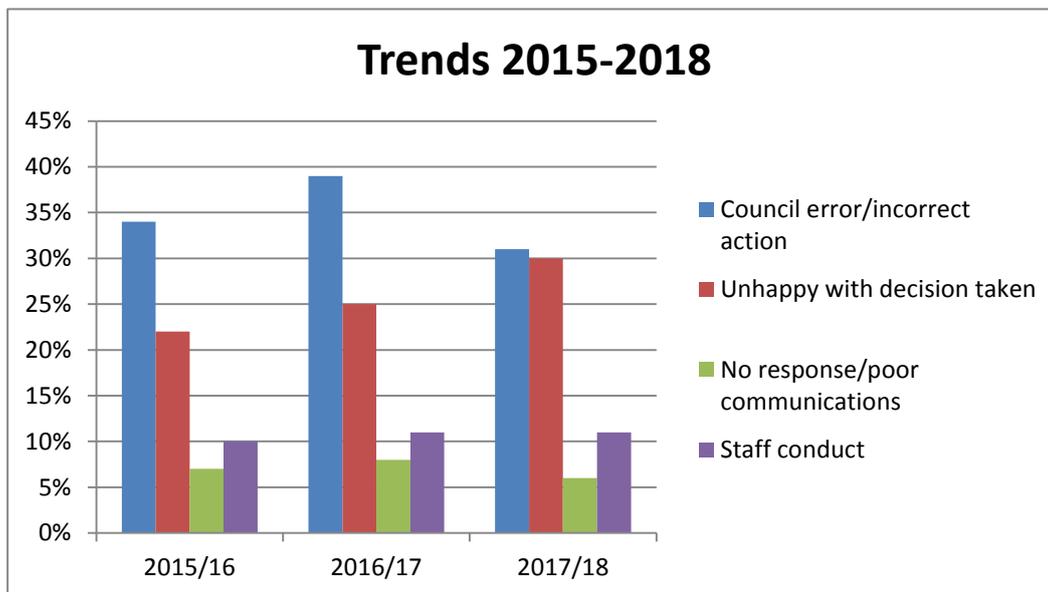
Planning and Building Service

For 2017/18, the Planning and Building Service dealt with 4246 planning related matters, comprising of 1567 planning applications, 431 pre-app enquiries, 909 condition discharge applications, 624 tree applications and they also dealt with 715 planning enforcement cases. Against this background, the figures show that the number of complaints received against the volume of work undertaken by the Planning and Building Service equates only to approximately 0.3% of the work carried out.

The Service has had a number of staff vacancies filled over the last year and as a consequence, delays in dealing with cases have significantly improved. This may have also contributed to the reduction in complaints for this service.

- 2.4 An analysis of the root cause of complaints received has shown that the majority of complaints can be categorised into four main types:

Type of complaint	Percentage
Council error/incorrect action	31
Unhappy with decision/action taken by Council	30
Staff conduct	11
No response received/poor communication	6
Other	22



2.5 Learning points

The Council treats every complaint received as an opportunity to identify learning outcomes and improve service provision.

These complaints are valuable not only in identifying service improvements but in improving public perception and satisfaction with the Council as a whole. Each complaint can be an opportunity to make changes or service improvements on a small or greater scale.

Annexes 3 – 9 are reports that provide specific detail on a selection of complaints within different services as examples to illustrate this. The report on the escalated complaints to the Chief Executive (Annex 3) details every complaint that progressed to Stage 2 of the complaints process.

Examples of some of the learning points and improvements made as a result of complaints during 2017/18 include:

- Managers continuing to use trends identified in the learning outcomes to resolve recurring issues and using examples of these complaints for training and discussion in team meetings.
- Review of, and amendments made, to information provided on the Council website regarding Universal Credit and benefits.
- Training on using the portable Hearing Loop and refresher Equalities Training.
- All Penalty Charge Notice appeal correspondence will include the officer's name in addition to their signature on the letters.

2.6 Time taken to respond

The Council's service standard is to respond in full to a complaint within 10 working days of receipt, or if this is not possible within that time (for example, because of the complexity of the complaint, the number of third parties involved or awaiting additional information), a holding response is sent to the customer. This standard continues to be met in the majority of the complaints.

When a complaint is escalated to stage 2, the Chief Executive has 15 working days to respond. This standard was met in the majority of the complaint responses. Where this is not possible, the complainants are made aware that there will be a delay.

2.7 Unreasonable or unreasonably persistent complainants

There are currently no complainants determined as vexatious.

3 The Local Government and Social Care Ombudsman

3.1 The Local Government and Social Care Ombudsman (LGSCO) has undergone a series of organisational and procedural changes over the past three years, including the recent change of name to include Social Care in their title.

The Ombudsman produces an annual letter which is attached as Annex 1. Annex 2 contains a guide to understanding the statistics provided. The number of complaints or enquiries received by the LGSCO does not necessarily match with the number of complaints progressed to the LGSCO by the Council. This is because in some cases, complainants approaching the LGSCO directly may be given advice or be referred to another organisation and the Council may not be aware of this. The LGSCO will also refer a complainant back to the Council if the complaint has not completed the local authority's complaints procedure and in some cases, these may not come back to the Council.

3.2 During the year 2017/18 the Council received 8 initial complaint enquiries from the LGSCO of which only 3 were investigated.

The table below also includes two complaints counted on the 2016/17 report as they were under investigation but were not completed within that year.

INVESTIGATED			
Date	Subject Matter	Action Taken	LGSCO outcome
23 Feb 17	<p>Complaint from previous year as investigation not completed in 2016/17</p> <p>Escalated to LGSCO as complainant unhappy with the responses received regarding the alleged maladministration in the handling of a planning application. Complaint also alleges lack of visibility and record keeping of some data relevant to the application.</p> <p>LGSCO advised of investigation and request for information.</p>	<p>CEX previously reviewed the information and found no evidence of maladministration regarding this application.</p> <p>Information and copies of correspondence sent to LGSCO as requested.</p> <p>Investigation completed on 27 June 2017 with final decision issued.</p>	<p>Decision: The Council failed to include its assessment of the impact of two new ground floor windows in the report recommending planning permission be granted for a residential extension. This fault did not affect the Council's decision to grant planning permission and therefore did not cause the complainant any significant injustice. This complaint was found to have fault with no injustice.</p>
14 Mar 17	<p>Complaint from previous year as investigation not completed in 2016/17</p> <p>Further complaint submitted to LGSCO regarding a planning application and that the Council did not take into account the increased number of staff intending to use the site when granting the latest permission at Committee.</p>	<p>Information and copies of correspondence sent to LGSCO as requested.</p> <p>Investigation completed on 1 June 2017 with final decision issued.</p>	<p>Decision: The evidence shows Members had the correct staff information before them when they granted the permission. It was open to Members to refuse the application if they considered the staff numbers accessing the site gave grounds for that refusal. There was no fault by the Council's Enforcement Officer (EO) when responding to Mrs X's reports of problems on the access road.</p>

	<p>The complainant also believes that there is a lack of enforcement which has resulted in the access lane and adjacent footpaths being unsafe for use as well as unacceptable noise to their property.</p>		
26 May 17	<p>Complaint regarding the perceived lack of consultation process provided for the Andover Leisure Centre re-build.</p>	<p>LGSCO request for correspondence, CEX letter providing clarification on the tender.</p> <p>This previously went to the LGSCO who declined to investigate as it was premature. However, After the stage 2 response, this complaint then returned from the Ombudsman as an enquiry.</p> <p>Investigation completed on 3 August 2017 with final decision issued.</p>	<p>Decision: There was no fault in the way the Council reached the decision to replace Andover Leisure Centre with a new facility on the same site.</p>
23 Jan 18	<p>LGSCO investigating only part of the complaint regarding the Andover Airfield site development. Specifically that the Council “assumed responsibility from the developer for installing acoustic fencing but failed to do so” as sections of the fencing have yet to be installed.</p> <p>Request for information and response by 27 April 2018.</p>	<p>Request for information and response by 27 April 2018.</p> <p>Decision given 26 June 2018</p>	<p>Decision: The Ombudsman found no fault by the Council in how it attempted to install acoustic fencing to mitigate the noise from a business park near the complainant’s home. However, the Ombudsman did find fault by the Council with regards to its delay in bringing this matter to a conclusion. This caused the complainant unnecessary frustration. The Council agreed to pay the complainant a financial sum of £200 in recognition of this.</p>

26 Feb 18	Complaint escalated to the LGSCO regarding rodent activity allegedly stemming from the neighbouring garden which the complainant believes to result from the state of the garden.	Decision given 14 Jun 2018	Decision: There was no fault by the Council in reaching a considered and informed decision not to take formal action against the neighbour in question.
NOT INVESTIGATED			
Date	Subject Matter	Action Taken	LGSCO outcome
27 Apr 17	Complaint regarding the delay in dealing with a Penalty Charge Notice appeal.	<p>The Council was not aware this had gone to the LGSCO until request for information from LGSCO received.</p> <p>Decision issued on 10 May 17.</p>	<p>Not investigated: Summary: We will not investigate this complaint about the Council's delay in responding to the complainant's appeal against a parking penalty. They can appeal against the penalty to the Traffic Penalty Tribunal. It is reasonable to expect them to do this and so the complaint is outside our legal remit. The complainant is not caused any significant injustice by the Council delay and so even if this did not apply we would not investigate.</p>
7 Jun 17	Complaint of lack of Action by Environmental Health regarding alleged noise nuisance from wood chipper to CEX.	<p>CEX response sent to LGSCO when issued on 13 July 2017 explaining that as a short lived incident, it constituted inconvenience but not a statutory nuisance and on that basis the Council did not propose to take any further action.</p> <p>Decision issued 31 July 2017.</p>	<p>Decision: The Ombudsman does not have grounds to investigate this complaint about the Council's failure to take action under health and safety legislation regarding noise from a wood chipper. This is because there is no sign that fault by the Council has caused the complainant an injustice to warrant our involvement.</p>

3 Oct 17	Complaint about planning permission for a development near them.	The Council was not aware this had gone to the LGSCO until email from LGSCO received, detailing decision to not investigate. Decision issued on 3 Oct 17.	The Ombudsman will not investigate this complaint because there is insufficient personal injustice caused to the complainants by the Council's decision.
6 Dec 17	Complaint regarding the handling of a planning application.	LGSCO requested previous correspondence. Decision issued on 27 Feb 18.	LGSCO decision to not investigate . This is because it is unlikely that they will find fault with the Council's actions.
29 Jan 18	Complaint regarding the debt collection of a parking ticket charge by bailiffs. The complainant has tried to avoid paying the penalty charge however the evidence provided has contradicted their statements and the penalty charge is legitimate. The enforcement agents have been asked to progress the debt recovery.	Decision issued on 5-Feb-18	Not investigated: Complaint received by LGSCO and not investigated as it had not yet completed the Council's complaints procedure.

3.3 The LGSCO publish the statistics for all local authorities each year. This enables a comparison to be made between comparable authorities based on the CIPFA (Chartered Institute of Public Finance and Accountancy) 'Nearest Neighbours Model'. The model provides a "family group" of local authorities that are comparable for bench-marking purposes. However, it is important to note that this is not an exact comparison due to the unique nature of each authority and the services they provide, as well as the geographical area and related issues. It can therefore only be used for ascertaining an approximate and informal bench-mark.

Authority Name	Total complaints assessed	Decision: Complaint not upheld	Decision: Complaint upheld
Test Valley Borough Council	8	2	1
Ashford Borough Council	16	1	0
East Hampshire District Council	11	4	1
South Oxfordshire District Council	12	0	3
Vale of White Horse District Council	20	0	5

4 Other matters

- 4.1 The reporting of complaints is embedded in the Council’s performance management process, giving further opportunity for issues to be raised throughout the year, and for wider corporate trends to be identified should they arise.

5. Conclusion

Complaints at service level have significantly decreased this year, after remaining largely static over the past three years. The number of complaints escalated to the Chief Executive has also decreased this year from 24 in 2016/17 to 12 in 2017/18. The decline may be due to higher staff levels in some services, as well as better dissemination of complaint handling outcomes and feedback by services, to improve practice across the board. Heads of Services continue to be encouraged to escalate the complaint to the Chief Executive in the interests of efficiency and the Council continues to signpost complaints to the LGSCO as recommended.

- 5.1 Complaints raised via social media, including Twitter and Facebook, continue to be monitored by the Communications Team with both CSU and the Communication Team responding to Twitter enquiries and monitoring Facebook messages.
- 5.2 The consistency of complaints reporting suggests that the complaints process continues to work effectively. Where necessary, trends are identified and managed by individual Services. The Complaints and Communications Officer will continue to work closely with Services to identify ways to effectively manage and resolve complaints.
- 5.3 The Committee is requested to consider the annual complaints report for 2017/18.

Background Papers (Local Government Act 1972 Section 100D)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	9		
Author:	Rebecca Rodford	Ext:	8109
File Ref:			
Report to:	Overview and Scrutiny Committee	Date:	19 September 2018