

# 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 204 complaints under the Council's formal procedure, in the year 2018/19.
- The Local Government and Social Care Ombudsman (LGSCO) made preliminary enquiries about 7 complaints relating to TVBC and began an investigation into 2 of these for the year ended 31 March 2019.

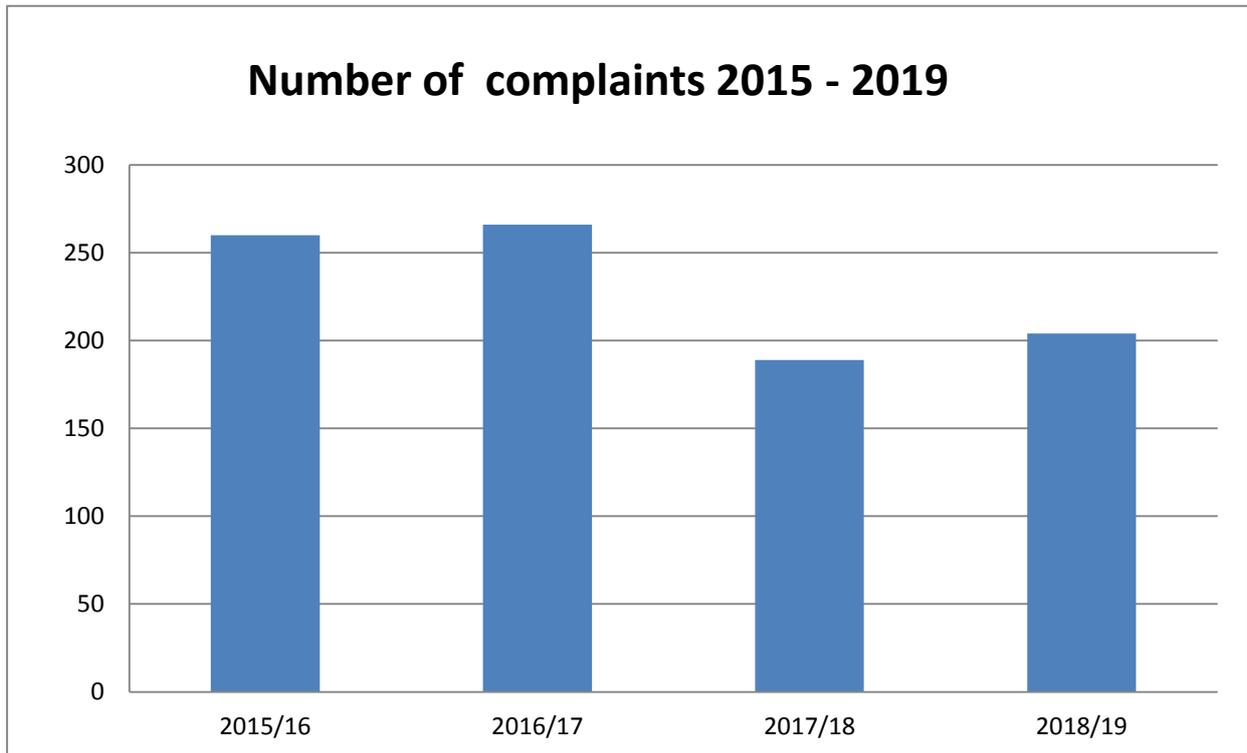
## 1 Background

- 1.1 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 2018 to 31 March 2019).
- 1.2 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."*
- 1.3 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.

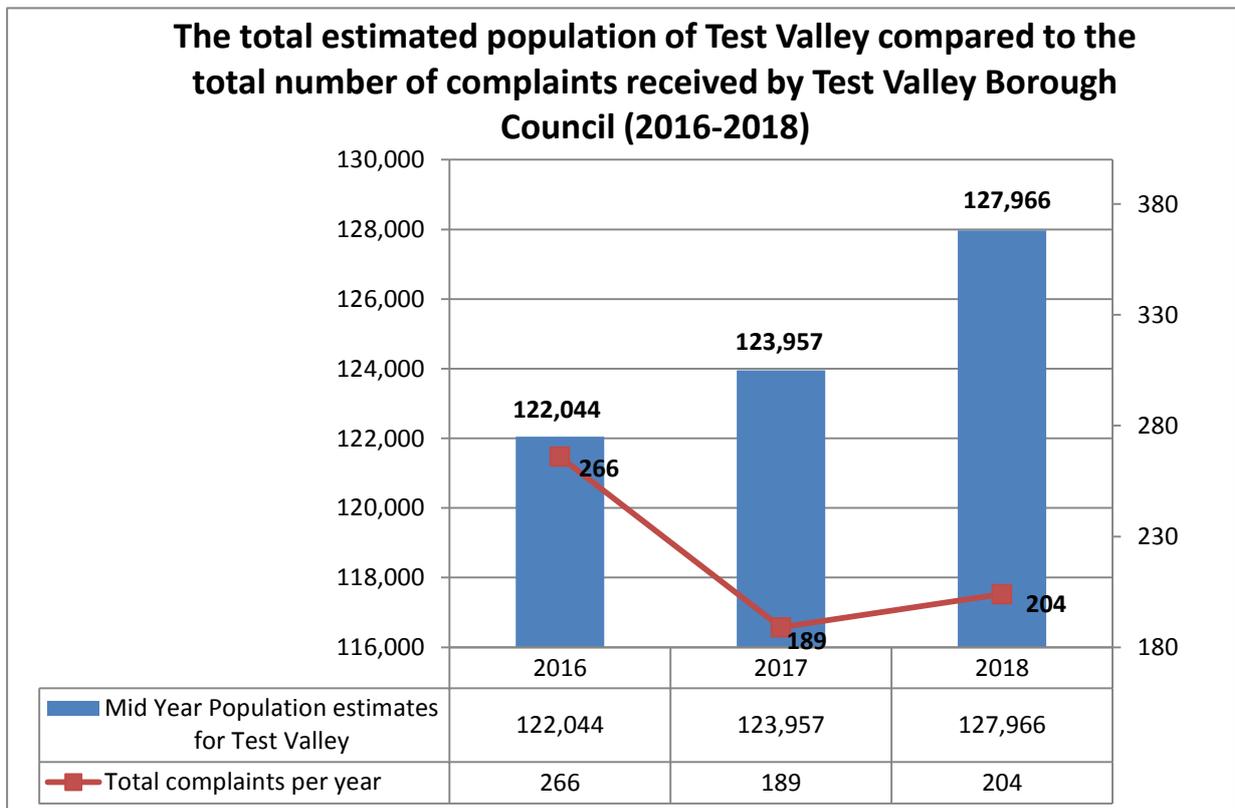
## 2 Complaints 2018/19

- 2.1 In the year 2018/19 there were 204 service level complaints (those dealt with by more than one service at the same time are counted as one complaint). From these 204 complaints, 14 were escalated to the Chief Executive and 7 were the subject of LGSCO enquiries.

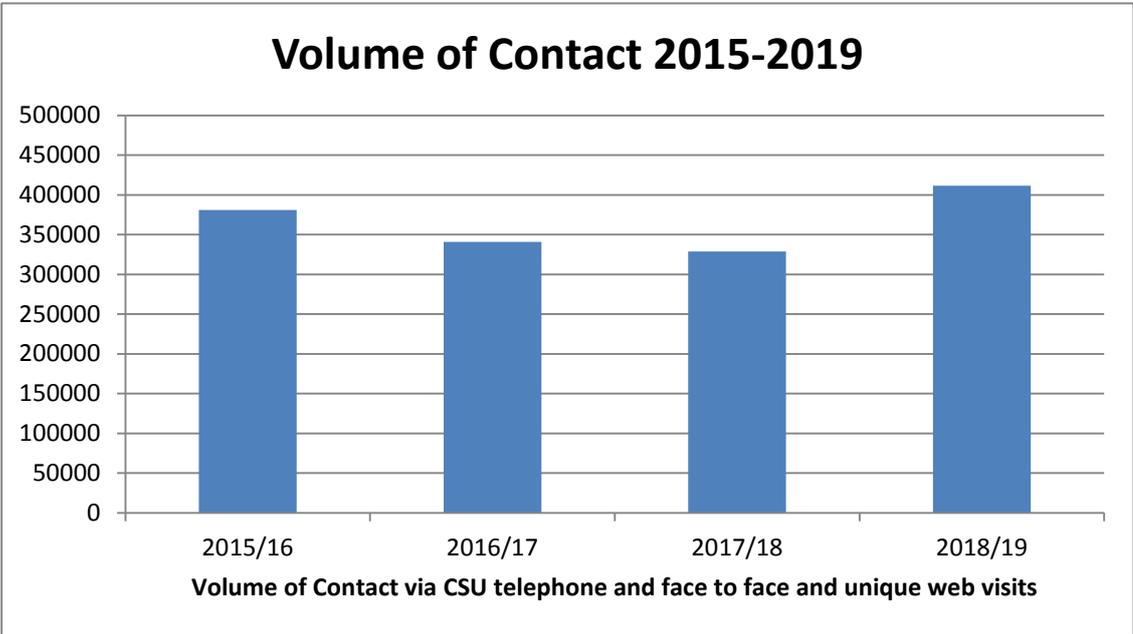
2.2 This year sees an increase of 15 complaints in the number of complaints received from the previous year (189 in 2017/18).



The number of complaints increased slightly this year after a decrease last year. The number remains relatively stable, despite the increase in housing and population in the borough, as shown below.



- 2.3 Customer Service unit figures for the year indicate that they received over 75,740 telephone calls which has decreased from 86,100 the previous year. The number of face to face contacts for the year was 12,599, a decrease from 13,112 the previous year. The website received over 323,348 unique visitors for 2018/19. 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 629,770 sessions for 2018/19. This has increased from 505,650 sessions in 2017/18.
- 2.4 The number of telephone contacts continues to decrease from previous years, and this can be attributed to 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 via telephone or face to face for 2018/19 has reduced from the previous year.



2.5 The following table gives a breakdown of the number of complaints. At seminars arranged by the LGSCO, representatives of the Institute of Customer Service have previously advised on the Customer Satisfaction Index and accepted customer service industry standards. The number of our complaints account for less than 1% of overall transactions and this falls well within these industry standards.

Stage of complaints process	Number of complaints
Service level	204
Chief Executive escalations	14 (from the 204 above)
Local Government and Social Care Ombudsman	7

2.6 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. Full details of all the complaints are available and these can be provided to committee members on request. However, this information is strictly confidential.

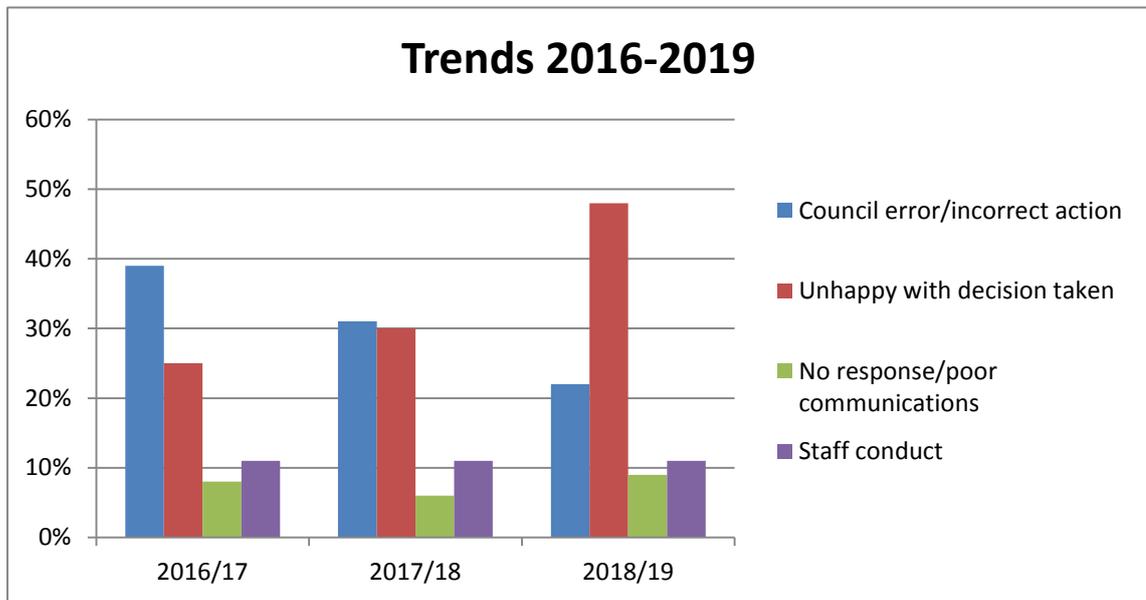
## 2.7 Specific Service Considerations

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

<b>Service</b>	<b>Number of complaints</b>	<b>As a % overall</b>	<b>Compliments</b>
<b>Environmental</b>	102	50	126
<b>Planning &amp; Building</b>	27	13.24	38
<b>Estates and Economic</b>	26	12.75	2
<b>Revenues (incl CSU)</b>	23	11.27	16
<b>Communities &amp; Leisure</b>	11	5.39	7
<b>Housing &amp; Environmental Health</b>	6	2.94	1
<b>Legal &amp; Democratic</b>	2	0.98	Not logged
<b>Chief Executive</b>	2	0.98	Not logged
<b>Finance</b>	1	0.49	Not logged
<b>Cross Service</b>	4	1.96	n/a
<b>CEX escalations from the 204 service level complaints</b>	14	6.86	n/a

- 2.8 The number of complaints for each service does not, of course, necessarily provide a direct correlation with the standard of customer service provided, and 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.
- 2.9 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 2018/19, the Environmental Service provided waste and recycling collections to almost 55,000 properties within Test Valley each week. This totals almost 2,900,000 collections a year. Using this example, the number of complaints received equates to only 0.003% of collections.
- 2.10 In 2018/19, the Planning and Building Service dealt with 4,381 planning related matters, comprising of 1,512 planning applications, 448 pre-app enquiries, 1,004 condition discharge applications, 628 tree applications and 789 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 0.6% of the work carried out.
- 2.11 An analysis of the root cause of complaints received has shown that the majority of complaints can be categorised into four main types:

<b>Type of complaint</b>	<b>Percentage</b>
Council error/incorrect action	22
Unhappy with decision/action taken by Council	48
Staff conduct	11
No response received/poor communication	9
Other	10



### 3 Learning Points

- 3.1 The Council treats every complaint as an opportunity to identify learning outcomes and improve service provision. 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.
- 3.2 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 complaints escalated to the Chief Executive (Annex 3) details every complaint that progressed to Stage 2 of the complaints process.
- 3.3 Examples of some of the learning points and improvements made as a result of complaints during 2018/19 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.
  - Reviewing and improving communication with residents on tree removals that may impact them or their property.
  - Ensuring continuity in communication for ongoing complaints and keeping the complainant informed on updates.
  - Ensuring adequate photos are taken and included in planning reports.
  - Reviewing fraud cases to ensure information held from DWP is up to date.

#### 4 Time Taken to Respond

- 4.1 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 was met in 82% of service complaints, with 167 out of 204 complaints answered in this time frame.
- 4.2 When a complaint is escalated to stage 2, the Chief Executive has 15 working days to respond. This standard was met in 86% of escalated complaints with 12 out of 14 complaints answered in this time frame. Where it is not possible to respond within this time frame, the complainants are made aware that there will be a delay.

#### 5 Unreasonable or Unreasonably Persistent Complainants

- 5.1 There are currently no complainants determined as vexatious.

#### 6 The Local Government and Social Care Ombudsman

- 6.1 The Local Government and Social Care Ombudsman (LGSCO) 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, the complainant may choose not to come back to the Council.
- 6.2 During the year 2018/19 the Council received 7 initial complaint enquiries from the LGSCO of which the LGSCO opted to investigate only 2.

The table below also includes a complaint counted on the 2017/18 report as it was under investigation but was not completed within that year.

INVESTIGATED			
Date	Subject Matter	Action Taken	LGSCO outcome
23 Jan 18	<b>Complaint from previous year as investigation not completed in 2017/18.</b>  The LGSCO only investigated part of this complaint regarding the Andover Airfield site	Information and previous responses sent to LGSCO as requested.  Final decision provided on 27 June 2018.	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

	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.		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 financial redress in recognition of this.  A letter was sent with apology and payment and complaint closed by LGSCO with a compliance outcome of remedy completed.
31 May 18	LGSCO investigated complaint regarding the alleged failure of the Planning department to deal with breaches of planning consent at the property next door to the complainant, including how the application and approval for extension were handled.	Information provided as requested, including clarification that all alleged breaches have been investigated and where required, retrospective applications received. The Council will continue to seek remedies for any breach of control and respond to unauthorised works.  Decision provided 7 September 2018.	Decision: The Ombudsman has found the Council was not at fault and that the Council properly considered the objections raised by the complainant and the Parish Council before granting planning permission. It also took informal enforcement action in response to the breaches of planning control reported by the complainant, which it was entitled to do.
14 Aug 18	LGSCO investigated complaint regarding the retention of an Article 4 Direction over rural land.	Information and clarification provided as requested.  Decision provided 23 October 2018.	Decision: The Ombudsman has found the Council was not at fault as it reviewed whether the directions were still necessary and followed the correct guidance before deciding to retain them.
<b>NOT INVESTIGATED</b>			
<b>Date</b>	<b>Subject Matter</b>	<b>Action Taken</b>	<b>LGSCO outcome</b>
3 May 18	LGSCO notified the Council of a complaint they received regarding the Council’s decision to close one block of public toilets in their town and demolish another. They allege that the	CEX provided previous responses and clarification on how the identical, pre-filled complaint forms were processed as part of a campaign to “Save Andover Public Toilets”.	Decision: The Ombudsman does not intend to investigate this complaint. This is because it is unlikely to find fault in the Council’s actions.

	community toilet scheme (CTS) now in operation is not fit for purpose.	Decision to not investigate provided 21 June 2018.	
21 Jul 18	LGSCO request for information on a complaint regarding a path that has not been created as part of a development. However the planning application is still under consideration.	Information and clarification provided to LGSCO as requested.  Decision to not investigate provided 22 August 2018.	Decision: The complaint is that the footpaths required under a planning permission have not been created. The Ombudsman will not investigate this complaint because the matter is being considered in a new planning application which has not yet been determined.
26 Sept 18	<b>Withdrawn complaint.</b>  LGSCO notified of a complaint received regarding a Housing Benefit claim and how it was assessed, including an appeal.	Information and previous responses provided to LGSCO as requested.  Notification that the complaint was withdrawn received 4 October 2018.	Decision: This complaint was withdrawn by the complainant and therefore the LGSCO did not investigate it.
6 Feb 19	The LGSCO notified the Council of a complaint they received about the lack of enforcement action regarding an alleged flytipping of soil near the complainant's property.	Information and clarification provided to LGSCO as requested.  Decision to not investigate provided 20 February 2019.	Decision: The Ombudsman will not investigate this complaint about the Council's decision not to take enforcement action against someone the complainant says carried out a fly-tip. This is because there is insufficient evidence of fault by the Council.
15 Feb 19	The LGSCO advised that a complaint had been received regarding the advice officers gave, in response to a Planning and Building query.	No action was required as the LGSCO advised immediately of their decision not to investigate this complaint. This was currently dealt with by the Council at Stage 1 and 2 of the complaints process.  Decision provided 15 February 2019.	<b>Decision:</b> The Ombudsman will not investigate this complaint. This is because the complaint is late and it is unlikely he would find fault by the Council.

- 6.3 The LGSCO publishes 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.

<b>Authority Name</b>	<b>Total complaints assessed</b>	<b>Decision: Complaint not upheld</b>	<b>Decision: Complaint upheld</b>
<b>Test Valley Borough Council</b>	<b>7</b>	<b>2</b>	<b>1</b>
Ashford Borough Council	19	1	1
East Hampshire District Council	17	4	4
South Oxfordshire District Council	10	3	0
Vale of White Horse District Council	12	0	0

## **7 Other matters**

- 7.1 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.

## **8 Conclusion**

- 8.1 Complaints at service level have slightly increased this year, after a significant decrease last year and a largely static previous three years. The number of complaints escalated to the Chief Executive has also slightly increased this year from 12 in 2017/18 to 14 in 2018/19. Heads of Service continue to be encouraged to escalate a complaint to the Chief Executive if required, in the interests of efficiency and the Council continues to signpost complaints to the LGSCO as recommended.
- 8.2 Complaints are also occasionally raised via social media channels, including Twitter and Facebook, which continue to be monitored by both CSU and the Communication Team. They respond to Twitter enquiries and monitor Facebook messages, directing complainants to the complaints process where necessary.

8.3 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.

8.4 The Committee is requested to consider the annual complaints report for 2018/19.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u> 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:	18 September 2019