

## ITEM 9 **Annual Report on Complaints**

Report of the Chief Executive (Portfolio: Corporate)

### **Recommended:**

**That the annual report on complaints be noted.**

#### SUMMARY:

- The Chief Executive and Services together dealt with 266 complaints under the Council's formal procedure, in the year 2016/17.
- The Local Government Ombudsman (LGO) made preliminary enquiries about 12 complaints relating to TVBC and began an investigation into 3 of these for the year ended 31 March 2017.

### **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 2016 to 31 March 2017).

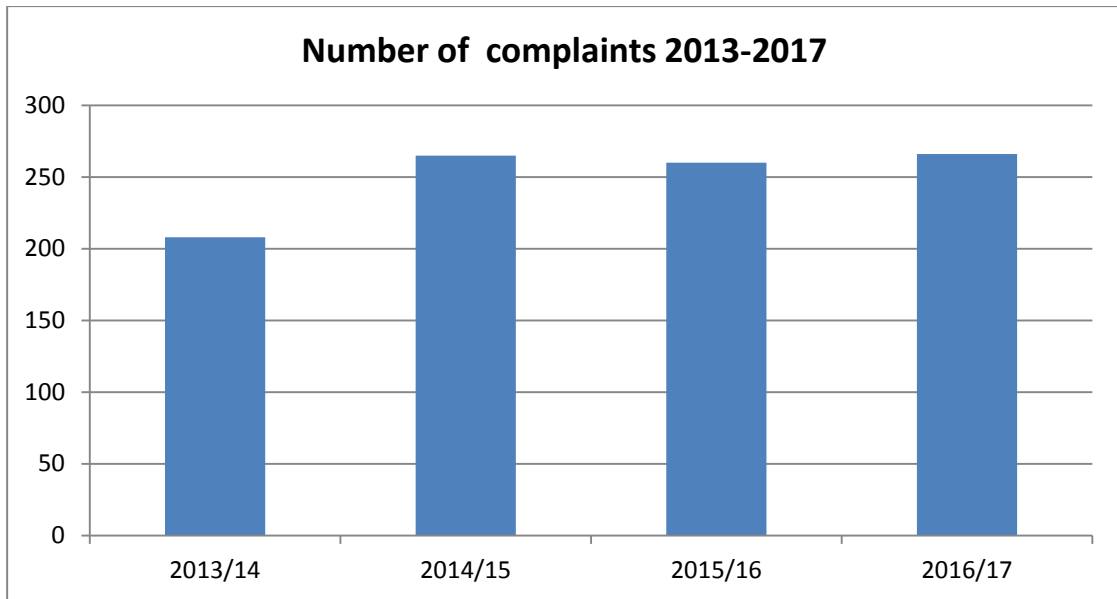
- 1.1 A complaint is defined within the Council as: *"an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, or its staff, affecting an individual customer or group of customers."*

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 we 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.

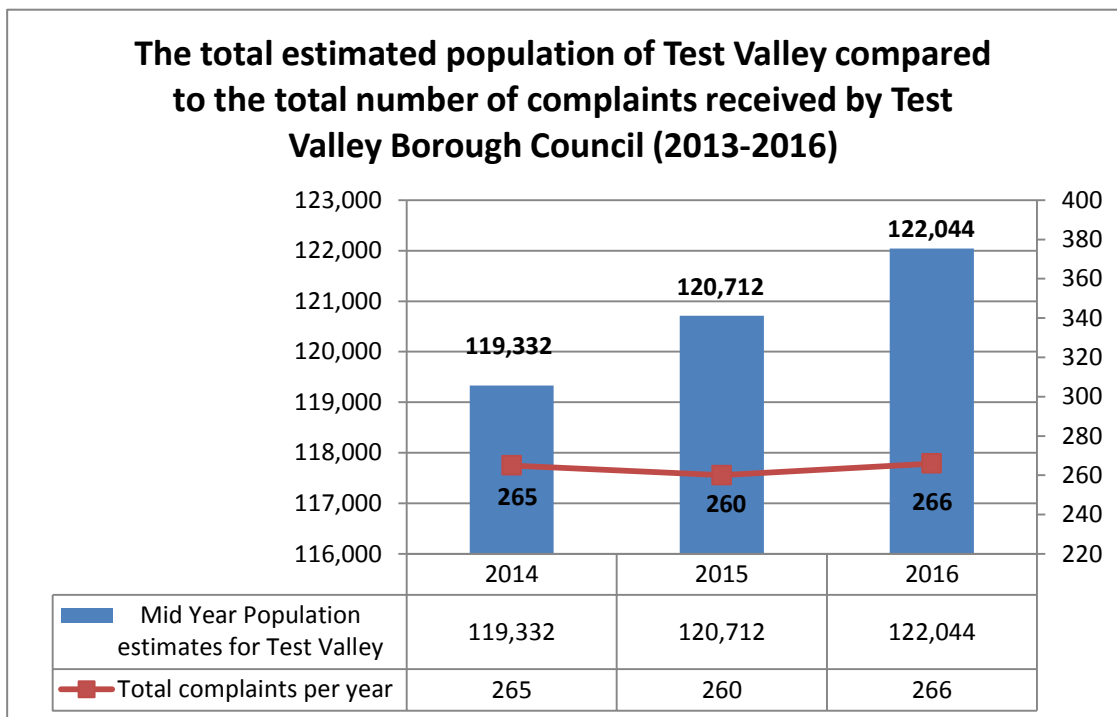
### **2 Complaints 2016/17**

- 2.1 In the year 2016/17 there were 266 service level complaints (those dealt with by more than one service at the same time are counted as one complaint). From these 266 complaints, 24 were escalated to the Chief Executive and 12 were the subject of LGO enquiries.

This year sees a small increase of 6 complaints in the number of complaints received from the previous year (260 in 2015/16).

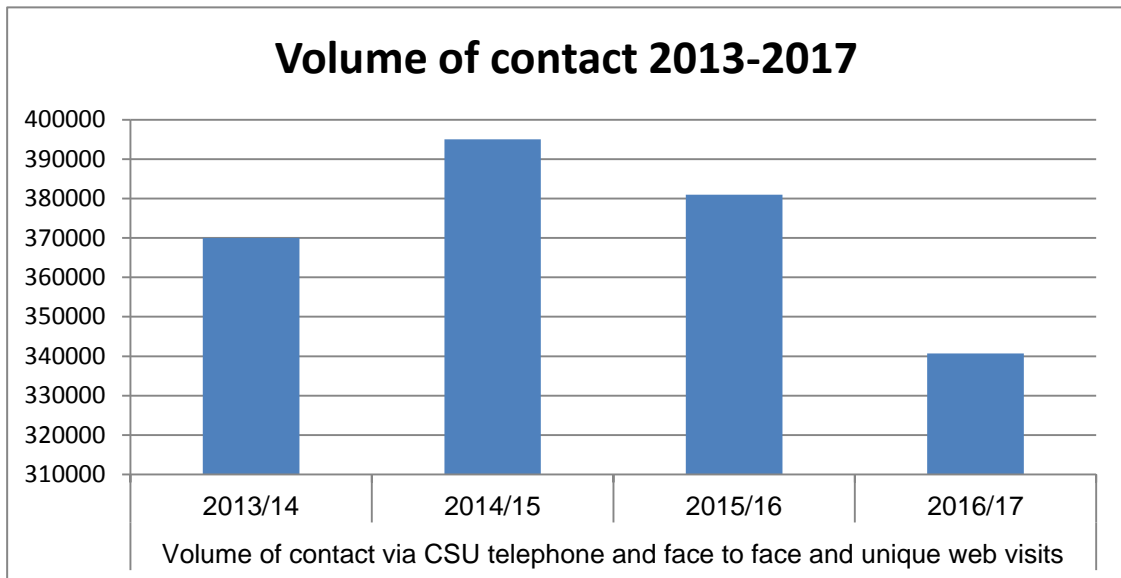


The number of complaints has remained relatively stable over the last three years, despite the increase in housing and population in the borough, as shown below.



Customer Service unit figures for the year indicate that they received over 93,200 telephone calls which has significantly decreased from 124,000 the previous year. The new Time Manager system was put in place in July 2016 and the number of face to face contacts since then has been 17,995. The website received over 229,500 unique visitors for 2016/17. However, the number of sessions, that is, the number of times the site was entered, better illustrates the use of the website and these totalled 465,198 sessions for 2016/17.

The number of telephone contacts continues to decrease from the previous years, and this can be attributed to the new self serve processes put in place, to enable and encourage customers to contact the council electronically. Overall, the total number of contacts for 2016/17 has reduced from the previous year: 381,000 in 2015/16 to just below 340,700 in 2016/17. However it should be noted that the figure for face to face contacts is not complete for the year due to the system upgrade. Nevertheless, it still indicates a decline in contacts made to the Customer Service unit.



The number of complaints continues to account for significantly less than 1% of overall transactions, and falls well within accepted customer service industry standards.

<b>Stage of complaints process</b>	<b>Number of complaints</b>
Service level	266
Chief Executive escalations	24 (from the 266 above)
Members' Panel	0
Local Government Ombudsman	12

- 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

### Environmental Services

The Environmental Service receives the highest number of complaints but these are very low when considering the volume of services they provide. For example, in 2016/17, the Environmental Service provided waste and recycling collections to 53,500 properties within Test Valley each week. This totals 2,782,000 collections a year. Using this example, the number of complaints received equates to only 0.005% of collections.

### Planning and Building Service

For 2016/17, the Planning and Building Service dealt with over 3200 planning applications, 386 pre-app enquiries and just over 500 tree applications. In addition to this, they also dealt with 820 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 is very low and equates to approximately 0.5% of the work carried out.

This year also saw a period of significant staff churn within the service, which unfortunately led to unavoidable vacancies, resulting in delays in responding to a small number of cases. A number of the vacancies have now been filled with new staff and as a consequence, delays in dealing with cases have significantly improved, as demonstrated with the Service's Key Performance Indicators. This should result in a reduction in complaints.

### Community and Leisure Services

The Council received approximately 275 enquiries from residents over the replacement of the Andover Leisure Centre and the alternative provision for classes and clubs. This included feedback relating to the planning application submitted for this development. These enquiries, received through social media, email and via the public exhibition were all logged, acknowledged and dealt with by officers throughout the Council. They are not logged in this report as formal complaints, with the exception of one complaint which was escalated to the Chief Executive and the Ombudsman. The Ombudsman's decision on this complaint was received after March 2017 and is not detailed in the LGO decision table in this report. However, their decision exonerated the Council finding that 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.

### Estates and Economic Development Services

Transport and Parking Teams have now been placed within Estates and Economic Development Services. Complaints for them will be included in next year's OSCOM report under this service but for the purposes of this report, they remain separate as this change occurred after March 2017.

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

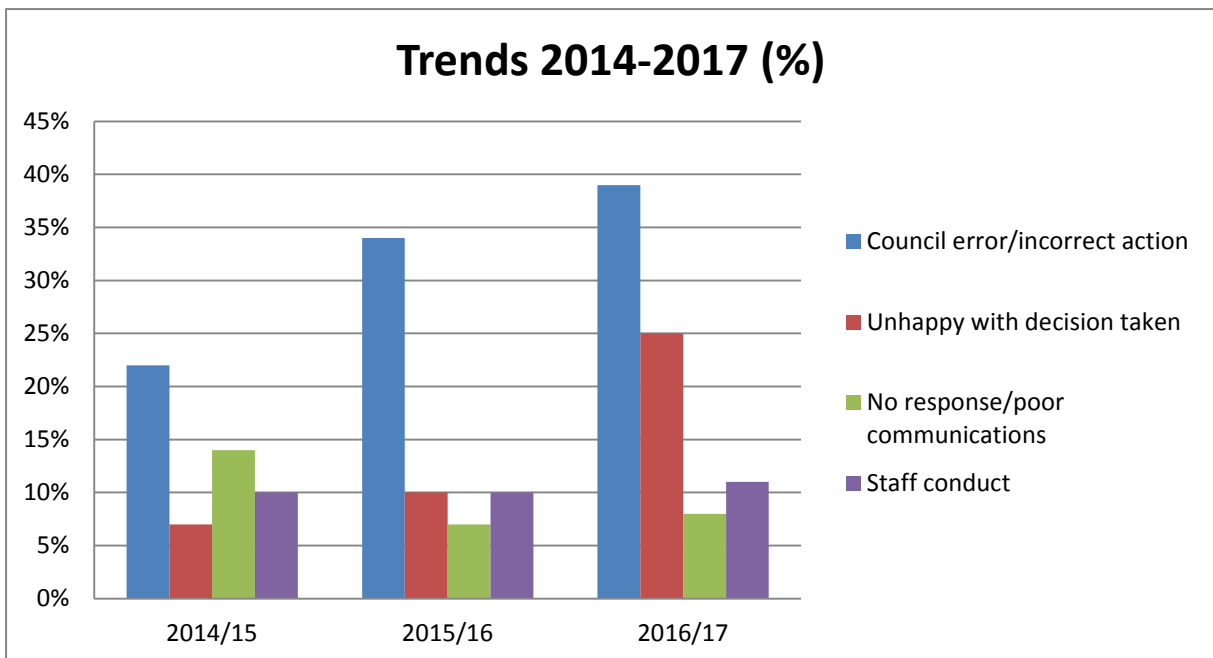
<b>Service</b>	<b>Number of complaints</b>	<b>As a % overall</b>	<b>Compliments</b>
<b>Communities &amp; Leisure</b>	15	5.6	27
<b>Environmental</b>	137	51.5	160
<b>Housing &amp; Environmental Health</b>	17	6.4	12
<b>Planning &amp; Building</b>	28	10.5	44
<b>Planning Policy &amp; Transport</b>	44	16.4	11
<b>Revenues (incl CSU)</b>	18	6.8	13
<b>Estates and Economic</b>	2	0.8	Not logged
<b>Legal &amp; Democratic</b>	2	0.8	Not logged
<b>Cross Service</b>	1	0.4	n/a
<b>Chief Executive</b>	2	0.8	Not logged
<b>CEX escalations from the 260 service level complaints</b>	24	9	n/a

It should be noted that the number of complaints per service does not 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.

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	39
Unhappy with decision taken by Council	25
No response received/poor communication	8
Staff conduct	11



## 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 – 11 are reports that provide specific detail on a selection of complaints within each service 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.

Examples of some of the learning points and improvements made as a result of complaints during 2016/17 include:

- Managers using the trends identified in the learning outcomes to resolve core issues and examples of these complaints used for training and discussion in team meetings.
- Review of, and amendments to, the Council's out of hours manual.
- Amendments to the correspondence template regarding clinical waste to provide clear advice that resident details will be removed from the database should there not be a collection for a specified period of time.
- Guidance for officers regarding lists of outstanding work to ensure matters are being dealt with in a timely fashion.

## 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. Against that target, the overall average length of time taken to respond to the customer at service level remains stable at approximately 7 days.

When a complaint is escalated to stage 2, the Chief Executive has 15 days to respond. Against that target, the overall average length of time taken to respond to the customer was 14 days.

## 2.7 Unreasonable or unreasonably persistent complainants

There are currently no complainants determined as vexatious, and no new vexatious complainants have been determined during 2016/17.

# 3 The Local Government and Social Care Ombudsman

## 3.1 The Local Government and Social Care Ombudsman (LGO) produce 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 LGO does not necessarily match with the number of complaints progressed to the LGO by the Council. This is because in some cases, complainants approaching the LGO directly may be given advice or be referred to another organisation and the Council may not be aware of this.

The LGO has undergone a series of organisational and procedural changes over the past three years, including the recent change of name in July this year. Last year, the Government committed to a review of all public service Ombudsmen during their term, including the possibility of merging them into one body. It is anticipated that draft legislation will be produced detailing the creation of a single ombudsman for public services in England, and therefore the LGO may be subject to changes in the future.

- 3.2 During the year 2016/17 the Council received 12 initial complaint enquiries from the LGO. During this year, only 3 complaints were investigated. One complaint was not upheld and two were upheld, with fault found but no injustice caused.

One of the complaints upheld had been noted on the 2015/16 report as it was under investigation but it was not completed within that year. The outcome of that investigation is now noted below and is recorded on the LGO report as a decision for 2016/17.

INVESTIGATED			
Date	Subject Matter	Action Taken	LGO outcome
23-Dec-2015	<p>Complaint regarding lawn maintenance and a footpath installed.</p> <p>Complainant believed footpath was put in without consent and Council Officer showed unprofessional behaviour.</p>	<p>CEX response letter clarifying process of putting in pathway, and confirmation that CEX investigation into complaint showed no inappropriate or unprofessional conduct.</p> <p>This was escalated to the LGO. Letter received notifying of investigation on 24 February 2016.</p> <p>Investigation completed on 7 June 2016 with final decision issued.</p>	<p><b>Decision:</b> Upheld with a finding of no fault in the substantive part of this complaint, but fault in relation to the Council's failure to keep a record of an alleged meeting between the involved officer and the complainant.</p>
18-Apr-2016	<p>Complaint about the Council's decision to approve a retrospective planning application on a neighbouring property and the way the Council dealt with the matter.</p>	<p>CEX response letter clarifying procedure and no evidence of maladministration; nor was there evidence to support allegations of impropriety made by the complainant.</p> <p>Investigation completed on 2 August 2016 with final decision issued.</p>	<p><b>Decision:</b> Upheld with some fault found in the way the Council made its decision but it did not cause a significant injustice to the complainant.</p> <p>The case officer report should have taken into consideration the impact on local wildlife as a material planning consideration.</p> <p>However, this would not have changed the outcome and there is</p>



			therefore no injustice caused to the complainant or the wider public.
15-Dec-2016	Complaint that the Council has refused to take further action to deal with the nuisance caused by overgrown trees and vegetation at their neighbour's home.	<p>CEX response reiterating the Council's actions and explaining why enforcement under legislation is not appropriate at this time.</p> <p>Investigation completed on 14 March 2017 with final decision issued.</p>	<p><b>Decision: Not Upheld.</b> The Council has properly considered use of its discretionary powers to deal with problems caused by the poor condition of the garden of a private home. It has taken practical action to help those affected. There is no fault in the Council's actions.</p>
<b>NOT INVESTIGATED</b>			
<b>Date</b>	<b>Subject Matter</b>	<b>Action Taken</b>	<b>LGO outcome</b>
20-Apr-2016	Complaint alleging the Council did not help with housing need.	<p>Referred from LGO as premature complaint.</p> <p>CEX response clarifying the assistance provided and referring to housing association.</p>	<p><b>Decision:</b> Not investigated as premature complaint.</p>
5-Sept-2016	Complaint that the Council wrongly sent them a warning letter for allegedly causing a noise nuisance.	<p>CEX response reiterating the officers followed correct procedure.</p> <p>Investigation closed after initial enquiries, on 4 October 2016 with final decision issued.</p>	<p><b>Decision:</b> The Ombudsman will not investigate because an investigation is unlikely to find the Council was at fault.</p>
6-Dec-2016	Complaint regarding the Council's handling of resident's housing benefit which has result in two overpayments.	<p>CEX response reiterating HOS apology and explanation of how the error occurred and the steps taken to remedy the matter with the resident, prior to the complaint being made.</p> <p>Investigation closed after initial enquiries, on 20 Dec 2016.</p>	<p><b>Decision:</b> Not investigated as there is insufficient evidence of fault by the Council.</p>

7-Dec-2016	Complaint about the Council's misinformation about their council tax account.	CEX response reiterating apology and providing clarification and rectification.	<b>Decision:</b> Not investigated as Council apologised and rectified the error.
13-Jan-2017	Complaint concerns the Council's alleged lack of action regarding the nuisance they suffered as a result of their neighbour's wood burner.	Referred from LGO as premature complaint.  CEX response, explaining that a further EH investigation will be conducted as complaint refers to two wood burners. Investigation undertaken with no resulting enforcement action.	<b>Decision:</b> Not investigated as premature complaint.
16-Jan-2017	Complaint regarding delay in processing planning application and the alleged failure of the Council to properly apply Government policy about infrastructure contributions.  The complainant appealed the refused planning application to the Planning Inspector, who allowed the appeal and an infrastructure payment was not therefore required.	CEX response provided clarification and explained how the application had been determined in accordance with due process. The delays were a result of continued discussion over whether an infrastructure payment was required.  The Council took legal advice and lodged an appeal against the Planning Inspector's decision as the authority had not yet adopted a CIL scheme. This was not pursued by the Council.  Investigation closed after initial enquiries, on 16 Jan 2017.	<b>Decision:</b> Not investigated as the complainant had a right of appeal on non-determination grounds when the Council had taken longer than 8 weeks to decide their application. In addition, as the Council took legal advice before deciding to challenge the Planning Inspector's decision, the Ombudsman could not say that decision was made with fault.
23-Feb-17	Complaint alleging that there were failings in the way the Council determined their neighbours' planning application for an extension.	CEX reviewed the information and found no evidence of maladministration regarding this application.	<b>Investigation not completed in 2016/17.</b>
28-Feb-	Complaint regarding the	Complaint referred from	<b>Decision:</b> to not

17	consultation process for the re-build of the Andover Leisure Centre.	LGO who are not investigating it as it is a premature complaint that has not yet completed complaints process.  CEX response as Stage 2.	investigate as premature.  After the stage 2 response, this complaint then returned from the Ombudsman as an enquiry. The Ombudsman's decision on this complaint was received after March 2017 and is not detailed in this decision table. However, their decision exonerated the Council finding that 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.
14-Mar-2017	Further complaint about the Council's decision to approve a retrospective planning application on a neighbouring property and expanding on the lack of enforcement.	This is a previous complaint investigated by the LGO in April 2016. The LGO is investigating the additional enforcement element of the complaint but not the matters that have already been addressed.	<b>Investigation not completed in 2016/17.</b>
24-Mar-17	Historic complaint re access to land.	CEX responded and complaint escalated to LGO.	<b>Decision:</b> The Ombudsman has stopped investigated this complaint about land access rights because it has been made late, and there are no good reasons to exercise discretion to investigate.

3.3 The LGO 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 and services provided by each authority, 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>12</b>	<b>1</b>	<b>2</b>
Ashford Borough Council	20	2	4
East Hampshire District Council	21	8	2
Vale of White Horse District Council	19	4	1
South Oxfordshire District Council	18	3	1

#### **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 remained largely static over the past three years, with a slight increase in complaints recorded in 2016/17. However, the number of complaints escalated to the Chief Executive has increased significantly this year from 8 in 2015/16 to 24 in 2016/17. This undoubtedly reflects to a certain extent the change in approach aimed at preventing "repeat" correspondence between Heads of Services and complainants. Heads of Services have been encouraged to escalate the complaint to the Chief Executive in the interests of efficiency.

- 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 2016/17.

<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:	11		
Author:	Rebecca Rodford	Ext:	8109
File Ref:			
Report to:	Overview and Scrutiny Committee	Date:	20 September 2017