

Name of Scrutiny Panel	Strategy and Performance	
Meeting Date	4 November 2020	
Subject	Annual Complaints and Compliments Briefing Note (inc LGO update).	
Wards Affected	All Wards	
Report of	Director, Public Services	
Type of Item (please tick✓)	Review existing policy	
	Development of new policy	
	Performance management (Inc. financial) Briefing (Inc. potential areas for scrutiny)	x
	Statutory consultation	
	Council request	
	Cabinet request	
	Member request for scrutiny (CCFA)	

Why is it coming here?

The purpose of this report is to provide an overview of the complaints and compliments that were received by the Council during the period 1 April 2019 to 31 March 2020.

It should be noted that Adult Health & Social Care and Children's Social Care complaints and compliments are reported separately as these are managed through separate statutory complaints procedures.

What are the key points?

During this reporting period the Council received 507 representations, including 296 compliments.

The following report provides an outline and analysis of the nature and type of complaints and compliments received. The report also outlines complaints received by the Local Government and Social Care Ombudsman.

The Council responds to all complaints by following their procedures and seek to learn and improve services as a result of complaints received.

Possible courses of action

Members are asked to consider and comment on this report.

Contact Officer

Richard Noble, Complaints & Compliments Officer.

Should this report be exempt?
No
Recommendation
The Strategy and Performance Committee are asked to note the report and make suggestions for improvement where necessary.

Background

The Council produces statistics and information regarding the number of complaints and compliments received during the year and compares them with the previous years. These are usually presented every 6 months in a briefing note to Directors and members, but an annual report has been agreed for this year.

Main issues for Scrutiny

1. Corporate Complaints

During the period 1 April 2019 – 31 March 2020, the Council received 211 complaints. The table below highlights the number of complaints per directorate, including any complaints that were subsequently withdrawn. It also compares with the figures for the previous year.

1.1

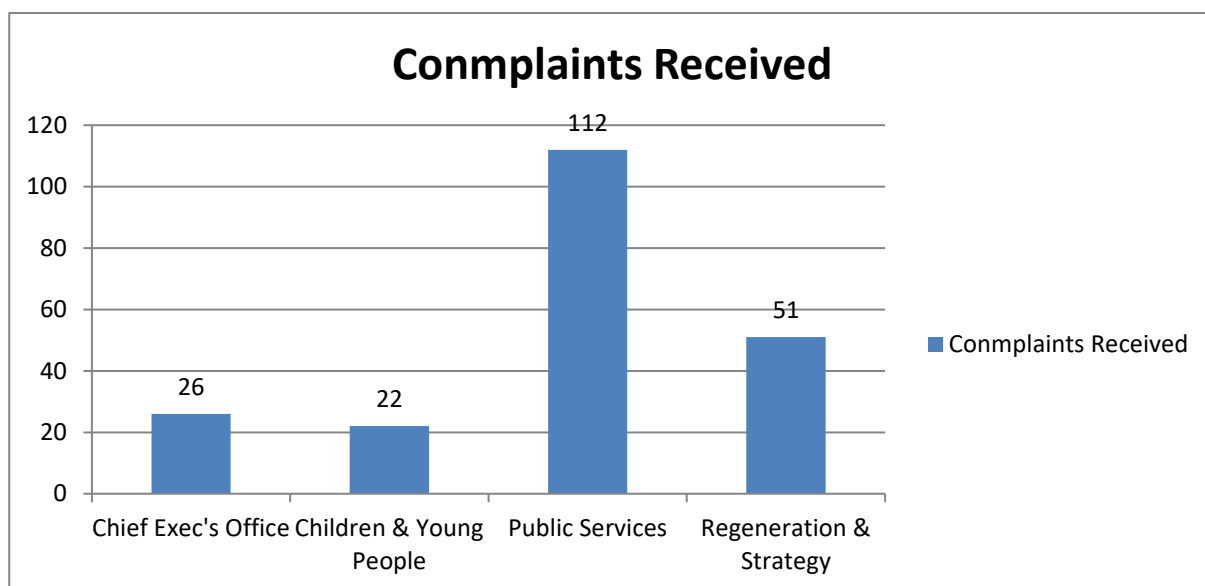
Directorate	Complaints 2018/19	Complaints 2019/20
Chief Executive's Office	3	26
Children & Young People's Services	16	22
Public Services	124	112
Regeneration & Strategy	46	51
Total	189	211

The Chief Executive's Office had a substantial increase during this period. This is due to the restructuring of services into the Directorate. Of the 26 complaints received by Chief Execs, the Council Tax team had the most with 12 (46%). This is however a significant reduction from 35 in the previous year.

2. Complaints Outcomes

2.1 Of the 211 complaints that were received overall:

- 77 (36.5%) were upheld or partly upheld.
- 93 (44 %) were not upheld
- 41 (19.5%) were withdrawn



The above graph details how many complaints were received by directorate and the table below, breaks down the outcomes for each directorate compared to 2018/19.

Directorate	Upheld		Partly upheld		Not upheld		Withdrawn	
	18/19	19/20	18/19	19/20	18/19	19/20	18/19	19/20
Chief Exec's Office	0	5	1	5	2	11	0	5
Children & Young People Service	0	1	6	7	5	11	5	3
Public Services	15	21	42	25	55	42	12	24
Regeneration & Strategy	0	5	8	8	32	29	6	9
Totals	15	32	57	45	94	93	23	41

2.2 The 170 investigated complaints were categorised as follows:

- 1 was about a financial issue
- 1 was about enforcement action
- 2 were about a change in service
- 7 were about poor communication
- 10 were about delays in providing services
- 20 were about the quality of services received
- 31 were about the conduct or attitude of staff
- 43 were about the level of service provided
- 55 were about service/policy decisions

The Complaints and Compliments Team use this information to identify which service areas may require additional training or support. The Complaints Officer regularly

reviews trends identified from the quarterly reports and works closely with services to ensure complaints are dealt with in a timely and professional manner and are responded to in a customer focussed manner.

Complaints for service / policy decisions were the highest received this year at 55; however, this is a significant reduction on the 79 received in 2018/19.

Some examples of these complaints are as follows:

- *Price increase at Brighthouse sports centre and how was this justified with the current condition of the facilities. The investigation highlighted the requirement for increases in order to balance budgets whilst cited the excellent value of a membership. However, the complaint was upheld due to the state of some of the facilities and the ongoing issues with the contractor to put this right.*
- *The positioning of a new LED streetlight. The investigation concluded that the new location of the light was causing increased light levels. The complaint was upheld with a light shield fitted.*
- *Decision to continue levying empty rates on a closed business property that was still housing furniture. The investigation found that an internal site inspection of the premises didn't occur until 2 months after the business closed. A report was being submitted and once reviewed; a decision would be made and back dated to the relevant date of closure. The complaint was partially upheld.*

These were followed by 43 complaints relating to the level of service received; this represents a slight increase on the 41 received during 2018/19. 31 complaints were received for staff conduct which matches the figure from 2018/19.

Examples of complaints received:

- Conduct of employee on home visit
- Conduct and comments made by contractor
- Missed waste and recycling collections
- Level of service through Highway maintenance planning

2.3 Of the investigated complaints, Waste and Recycling received the most with 26 complaints followed by Highways with 25. This represents an increase on figures from the previous year where Waste and Recycling received 13 complaints and Highways 23.

The increase in complaints for the Waste and Recycling Service can be attributed to an increase in formal complaints about missed collections (missed collections are logged as a formal complaint once it's been identified there have been multiple missed collections).

The complaints for Highways are split across the service, however the roll out of the LED streetlight scheme resulted in an increased number of complaints.

3. RESPONSE TIMES

- 3.1 The Council's complaints procedure acknowledges the need for complaints to be dealt with in a timely manner. The investigating officer is asked to respond within 10 working days, including detailed outcomes of their investigation. If a full response within 10 working days is not possible, the investigator is asked to liaise with the complainant and agree an extended timescale. The average overall response time in 19/20 was 12.5 working days which is an improvement on 2018/19 where the average response time was 14.93 days.
- 3.2 Of the 170 complaints investigated:
- 110 (65%) were resolved within 10 working days
 - 40 (23.5%) were resolved within 20 working days
 - 20 (11.5%) were resolved over 20 working days
- 3.3 In order to improve performance and response times, the Complaints Team have implemented an improved data management system that records the progress of both Council and Ombudsman complaint investigations. This new way of working has only just been implemented but is already having a positive impact on response times.

4. COMPLIMENTS

- 4.1 The Council values feedback from its customers and whilst it obviously focuses on resolving problems and issues raised as complaints, it is also important to recognise the positive feedback that is received from customers.
- 4.2 296 compliments were received within this period. The table below highlights the number of compliments per directorate and compares with 2018/19.

Directorate	Compliments 2018/19	Compliments 2019/20
Chief Executive's Office	4	3
Children & Young Peoples Service (not Social Care)	6	2
Public Services	372	245
Regeneration & Strategy	48	46
Total	430	296

Reminders are regularly sent out to teams reminding them to send compliments and positive feedback to the Complaints and Compliments Team for them to log on the system and the reduction for Public Services has been highlighted with the Director.

Here are some excellent examples of some of the compliments received:

I Just wanted to say thanks for all your help and advice re community grant. I heard on Friday that I've been awarded £500 to get the singing group up and running, which is just amazing!! Your help was invaluable, and I really appreciate it!!

Thank you for the ceremony on Friday it was absolutely perfect for us & the registrar was excellent.

I just wanted to pass my thanks and you have been great on reception. As you know we have had our issues with admin over the last couple of years and it is so refreshing to have someone who is proactive in taking messages, speaking to young people when needed and just being useful! I don't think we are quick enough to praise people these days and I just wanted to say it has been really appreciated.

Passing on praise to the Manager at Sowerby Bridge Pool, he is always going above and beyond, and I can not sing his praises high enough!

I have benefited from being a library user for many years, but I find the current Digital Reference Library an outstanding service and in particular, I make very regular use of the Oxford English Dictionary online.

I wanted to thank you, the staff and volunteers at Shibden Hall for making our visit yesterday so enjoyable. It is a remarkable house and hopefully, the television series 'Gentleman Jack' will bring more visitors. Please thank the volunteer who spoke so well to both our groups about the house and therefore made our visit more meaningful. All staff and volunteers were really helpful and friendly--we had a lovely afternoon.

I would just like my thanks to be passed on to the appropriate people for the excellent job they have done this year on St. Albans Road, clearing the leaves from both the pavements and the road - it was full of wet dangerous leaves, they came along and cleared them all - and also did an excellent job on Skircoat Green by the shops - well done.

Please could you pass on my thanks to the two guys from the Highways team that very skilfully repaired/resurfaced the storm damaged large hole outside my house here at Lumbutts Todmorden.

5. Training and Development

- 5.1 The Complaints and Compliments Team provide training and support for all colleagues who are required to investigate complaints. The aim is to provide training that specifically relates to their individual area and working practices and identifies how to define a complaint, how to complete a robust investigation and how to respond fairly and proportionately. Training last year was delivered to over 100 colleagues and is continuously reviewed and improved with input from colleagues from services.

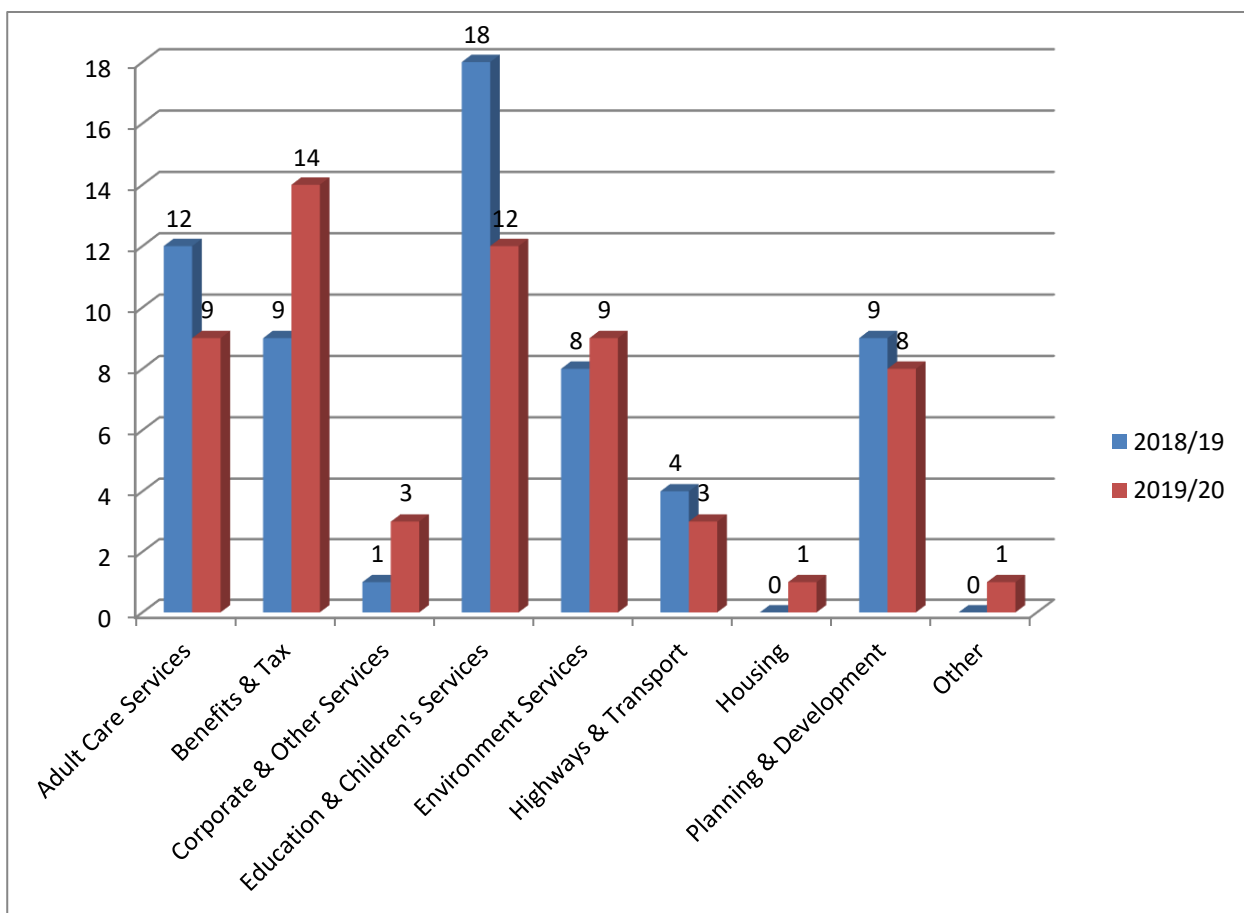
Training is usually delivered in a training room environment; however, the team are currently looking at delivering it using remote tools.

6. LGO Update

The complaints received by the Local Government and Social Care Ombudsman that are featured here have previously been received and investigated by the Council through its own complaints process.

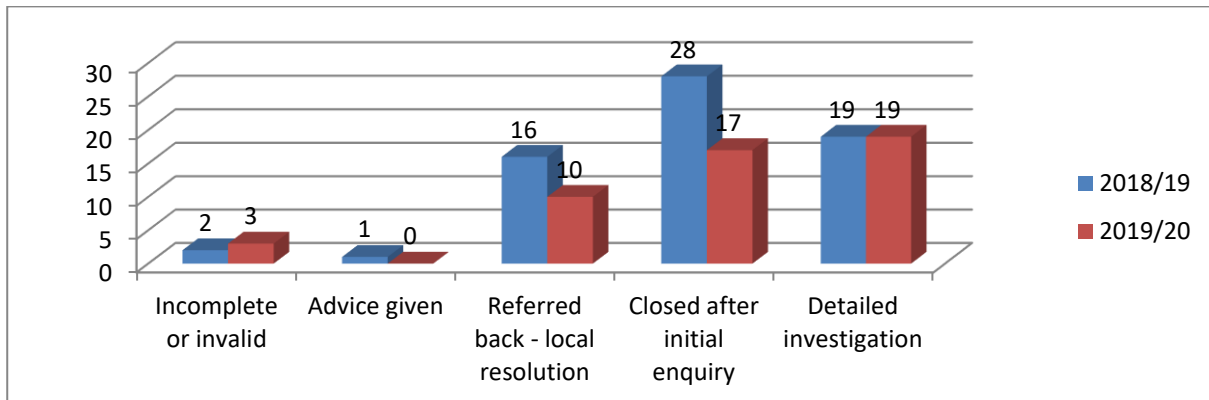
The figures have been taken from the annual report produced by the Ombudsman and compares the reporting periods 2018/19 and 2019/20.

- 6.1 The overall number of complaints and enquiries that were received by the Ombudsman has reduced from 61 in 2018/19 to 60 in 2019/20.



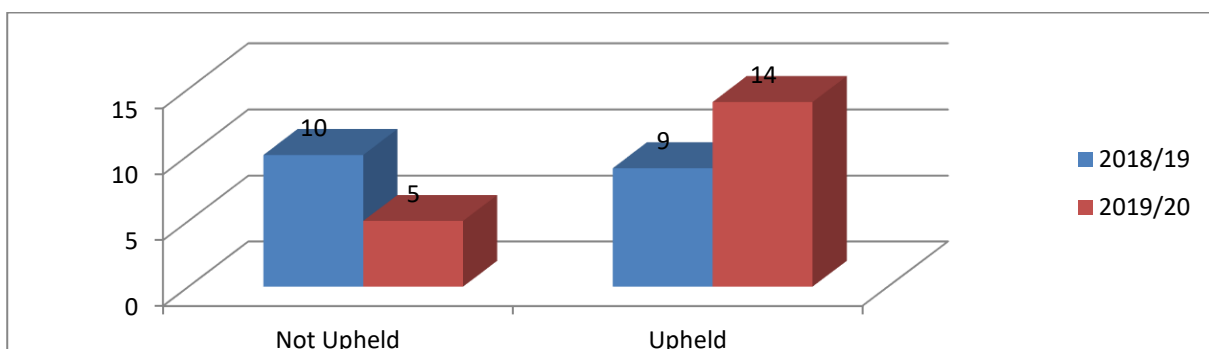
Not all the complaints received are closed during the same reporting period and as such, following a potential lengthy investigation, a final decision could actually be made in a different reporting year.

The following graph details the number of decisions made on the complaints received by the Ombudsman and are categorised by the following outcomes:

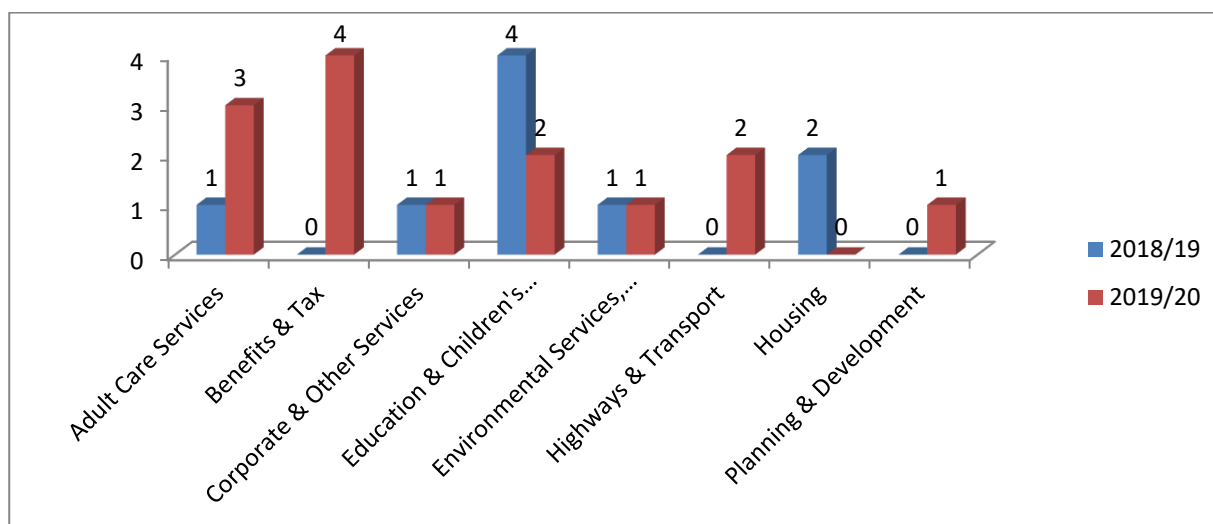


The number of detailed investigations carried out by the Ombudsman, remained at 19, matching the figure in 2018/19.

Of these 19 investigations, 14 were upheld (74%). This represents an increase on the 9 (47%) upheld complaints in 2018/19.



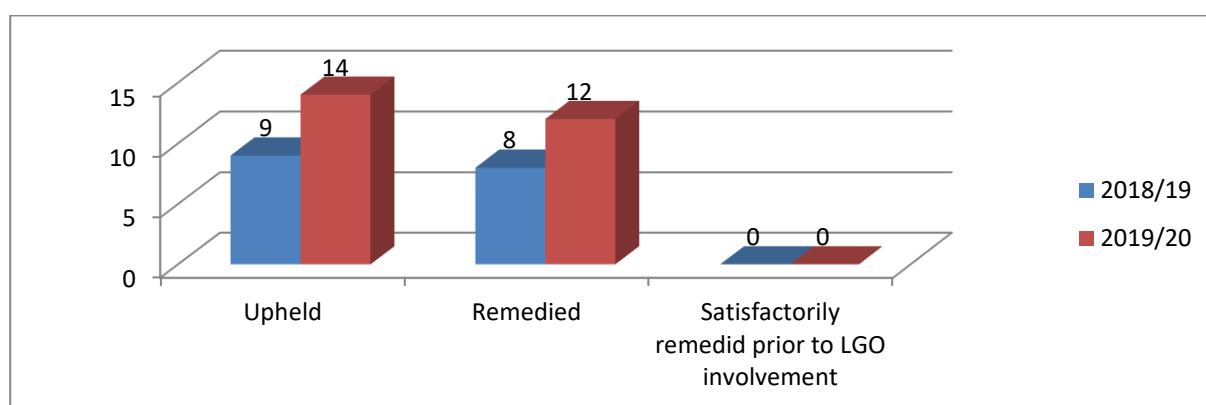
The graph below details the breakdown of upheld complaints per relevant service area. The results show significant changes for Benefits and Council Tax increasing from 0 upheld complaints in 2018/19 to 4 in 2019/20. All these were from the Council Tax team one of which resulted in a public report detailed at the end of this report.



It is important to know that not all complaints and enquiries are appropriate to investigate. Reasons why include:

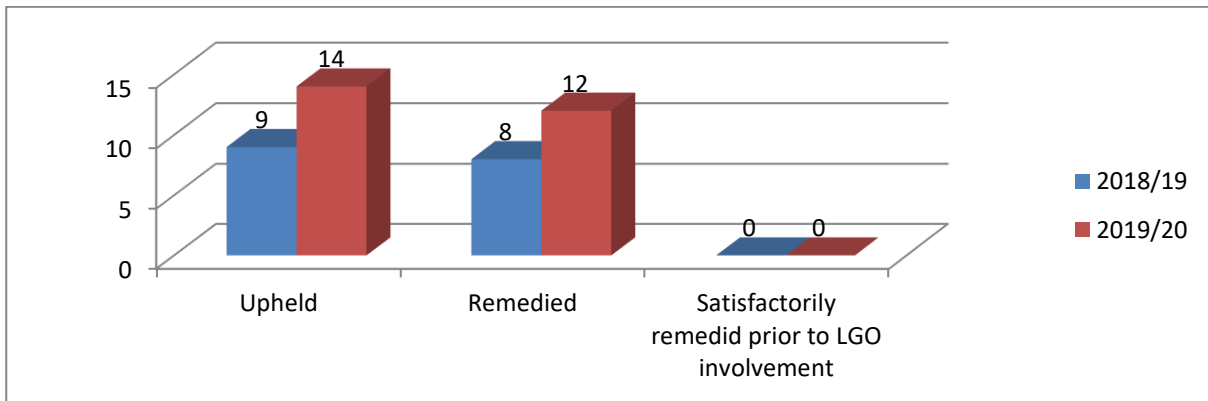
- The complaint is closed after an initial assessment. This is down to the Ombudsman deciding against a full investigation, mainly due to the law stating they are not allowed to investigate, or it would not be an effective use of public funds.
- The complaint is referred back to the Council to investigate, mainly due to the customer going directly to the Ombudsman and bypassing the Council's process.
- Advice has been provided in relation to their complaint which can include signposting the customer to relevant information.

6.2 The graph below shows that during 2019/20, 12 out of 14 (86%) investigations were remedied by the Ombudsman, compared to 8 out of 9 (89%) during 2018/19.

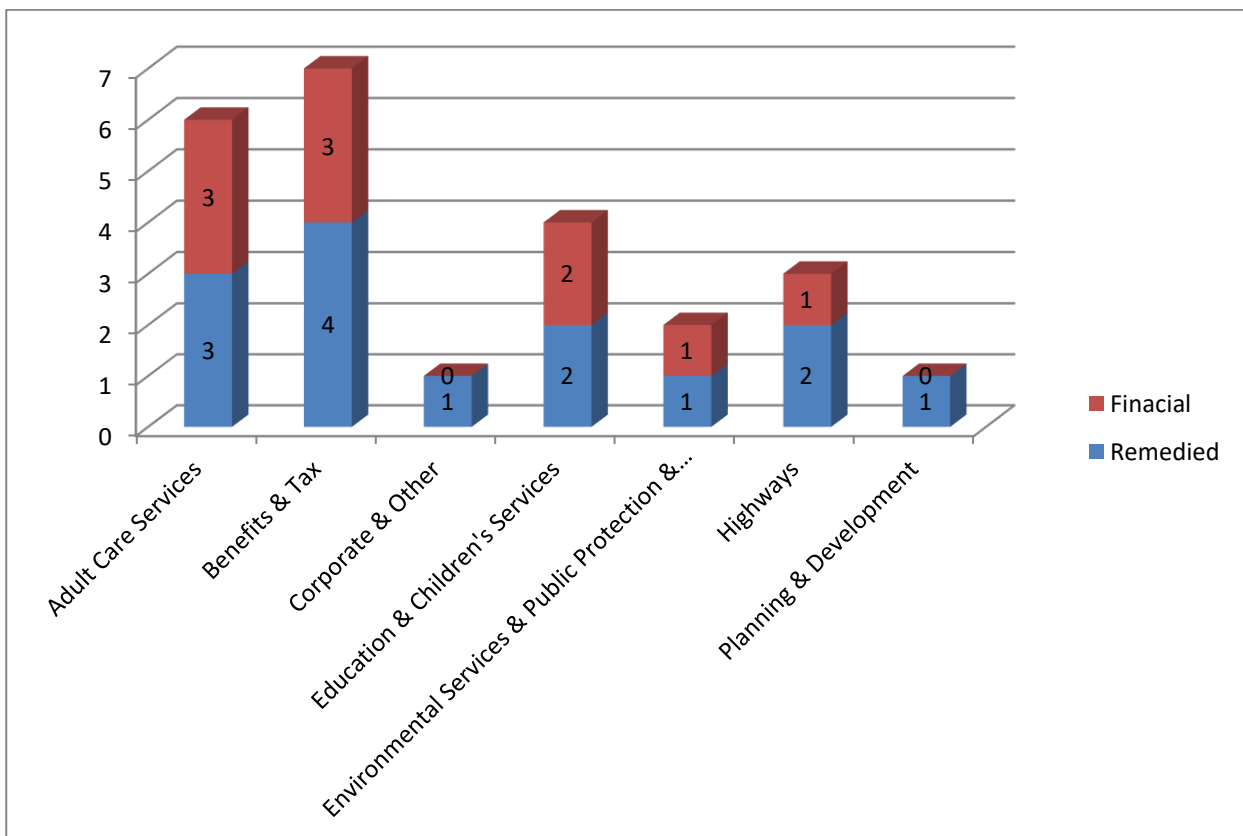


It is worth noting the number of remedied complaints may not equal the amount of upheld complaints. If the Ombudsman finds fault in the way the Council has carried out its duties, they will then consider whether this has caused an injustice to the person affected. If so, recommendations will be made on a suitable remedy in order to put

things right. Remedies originate from upheld complaints; however, not all have necessarily resulted in a direct injustice to the complainant. This could then result in the Ombudsman looking carefully at the root cause of problems and, where necessary, recommending improvements to systems or procedures, where they have not worked properly.



The following graph details the number of remedies, per service area, for the current year, whilst highlighting how many of these included a financial remedy. In 2019/20 the Ombudsman included 11 financial remedies from their 14 remedied investigations (78.5%) compared to 6 from 9 (66.6%) for 2018/19. Of the 11 financial remedies, all were awarded for avoidable distress/time and trouble.



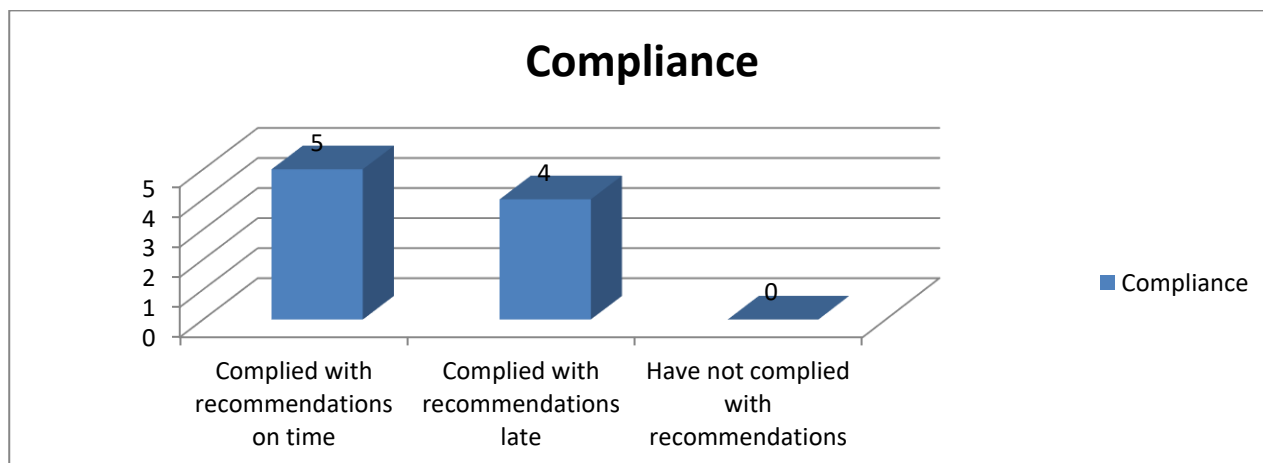
Examples of final decisions where financial redress was remedied:

The Council mismanaged Mrs X's council tax accounts. It delayed applying the right exemptions, which resulted in Mrs X paying £240.34 more council tax than she would have owed if the Council had done it properly. It gave Mrs X contradictory, misleading and sometimes wrong information. The Council did not deal properly with Mrs X's complaint about this. It caused Mrs X a lot of distress and unnecessary time and trouble. To put this right the Council should apologise to her and pay her £740.36.

The Council failed properly to investigate a complaint of noise nuisance. It twice closed the case without telling the complainant. The Council did not treat the complainant's formal complaint about the lack of action fairly and objectively. The Council will apologise to the complainant and pay her £150 for the unnecessary frustration, time and trouble it caused her. If the complainant makes a further noise complaint about the same issue, the Council will properly investigate this.

The Council misled Ms B about whether it would enforce an H bar before she paid to have it painted and delayed responding to her complaint. That caused Ms B to go to unnecessary expense and led to her having to go to time and trouble to pursue her complaint. An apology and payment of £280 to Ms B is satisfactory remedy for the injustice caused.

- 6.3 The Ombudsman makes recommendations on what he deems to be a suitable remedy for upheld complaints, and then measures the Council's compliance rate, based on the recommendations made and the agreed timescales for completion. The below graph shows that the Council complied with all of the Ombudsman's remedial actions, however 4 were outside the timescales.



The reasons all 4 were classed as delayed are as follows:

Council Tax complaint – Ombudsman requested information be sent to the team to ensure everyone was aware of procedures. When they received the original email, it was stated that a more informative one should be sent. Evidence was resent and the case then closed.

Adult services & Wellbeing – Remedies were allocated to the service with timescales. Despite these being chased, they were provided late by the service.

Adult services & Wellbeing - Remedies were delayed due to the services not implementing their agreed actions and remedies. Subsequently the Complaints and Compliments Officer arranged meetings with the relevant teams and Assistant Director and arranged an action plan with timescales to complete the remedies.

Environmental Health – Remedies were delayed due to the service issuing an apology direct to the customer that was not acceptable. When the Complaints and Compliments Officer was aware of this, it was agreed with the Ombudsman that a revised letter would be issued. A new timescale was agreed however this was over the original agreed date.

- 6.4 On the 10 September 2020, the Local Government and Social Care Ombudsman released a final report which will become public following the conclusion of 2 investigations relating to Environmental Health and Council Tax, where they investigated a church bells noise complaint and the mismanagement of a Council Tax account.

The report is scheduled to become public on, or after the 8 October 2020, where it will appear on the Ombudsman's website and a press release will be issued bringing the matter to public attention. The Council are required to place two public notices in local newspapers and/or on newspaper websites and will have 3 months from the report to formally consider the findings and recommendations made and these should be submitted to full Council, cabinet or any other appropriately delegated committee of delegated members.

The report is also required to be made available, free of charge to the public. Due to current working restrictions, a dedicated email address has been created to respond to such requests: publicreport@calderdale.gov.uk

An action plan has been implemented and the Complaints and Compliments team are working with the relevant services to address the feedback from the public report and convert this into positive change. The plan includes corrective action around processes and procedures for the service and for the Complaints and Compliment Team. In addition, the training that is in place to support services with their complaints investigations is being reviewed and improved.

A formal written response explaining what steps have been taken to comply will be sent to the Ombudsman. Once satisfied that the report has been successfully addressed, a letter of satisfaction will be issued.

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

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