

Audit & Governance Committee Report 15 September 2010



Report of Management Support

REPORT NO. 52/10

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Review of Complaints and Compliments received during 2009/10

Recommendation(s)

That the Audit and Governance Committee:

- (a) note the contents of the review of complaints and compliments received during 2009/10
- (b) note the introduction of the new harmonised procedure for dealing with complaints with effect from 1 April 2010

Purpose of Report

1. The purpose of this report is to provide the Audit and Governance Committee with performance data for complaints and compliments received during 2009/10.

Strategic Objectives

2. This report supports the strategic objective of managing our business effectively.

Background

3. The Comments and Complaints Procedure ensures complaints are handled in a fair, objective and consistent way and that views expressed about the quality of services provided are acknowledged and acted upon.

4. Complaint statistics are also reported monthly in the Board Report considered by Management Team. *The Board Report is now circulated internally to members via the Members' Information Sheet. The Report is also available to the public on the council's website.*
5. As a result of a recent internal audit, a new harmonised procedure for complaints came into effect on 1 April 2010. The most significant changes to the harmonised procedure are:
- 15 working days within which to respond to a complaint rather than seven working days. A holding reply or progress report is sent if a full response cannot be sent within 15 days.
 - three investigation stages rather than two (stage 2 now considered by relevant strategic director rather than chief executive, and stage 3 considered by chief executive who will decide whether to refer the matter to councillors)

6. Summary

	2008/09	2009/10	Average response time
Stage 1 complaints (target 15 days)	155	71	7.8 days
Stage 2 complaints (target 15 days)	9	8	17.8 days
Ombudsman Investigations (target 28 days)	11	9	12.5 days
Compliments	116	105	

7. Detail

Complaints and compliments received by service areas:

Service Area	Complaints				Compliments No
	Stage 1		Stage 2		
	No	Av. response time (days)	No	Av response time (days)	
Management Team/ Chairman's Office	-	-	-	-	40
Planning	14	10.6	4	18	7
Corporate Strategy	-	-	-	-	5
Housing/Health	3	7.6	2	16.5	1
Legal & Democratic	1	18	1	29	-
Economy, Leisure & Property	2	7.5	-	-	2
Commercial	13	5.4	-	-	19
HR, IT & Customer Services	2	4.5	-	-	29
Finance	36	7.5	1	9	2
Total	71	7.8	8	17.8	105

8. Stage 1 complaints by service area and category:

Service Area	Policy	Procedure	Legislation	Technical/ Professional	Staff Attitude	Contractors	Discrimination	Out of Jurisdiction	Totals
Management Team	-	-	-	-	-	-	-	-	0
Planning	1	8	-	5	-	-	-	-	14
Corporate Strategy	-	-	-	-	-	-	-	-	0
Housing/ Health	-	-	-	3	-	-	-	-	3
Legal & Democratic	-	-	-	1	-	-	-	-	1
Economy, Leisure & Property	-	-	-	1	-	1	-	-	2
Commercial	-	3	-	1	-	9	-	-	13
HR, IT & Customer Services	-	-	-	2	-	-	-	-	2
Finance	2	1	-	-	-	33	-	-	36
Totals	3	12	-	13	0	43	0	0	71

Categories of Complaints

- Policy** This category is used if a complaint or compliment is about the council's policies, commitments and intentions for individual services.
- Procedure** This category is used if a complaint or compliment is about working practices.
- Legislation** Much of what the Council does is governed by law, government direction or guidance. This category is used if a complaint relates to a mandatory framework within which officers must operate.
- Technical/
Professional** This category covers complaints or compliments about the way in which officers interpret policies, procedures or legislation and their professional judgements.
- Staff Attitude** This category is used when recording compliments paid to staff about their work and/or attitude or complaints about staff being rude or discourteous.
- Contractors** The Council employs contractors to run several of its services. This category covers any complaint or compliment about the way the council's contractors carry out services on behalf of the Council
- Discrimination** The Council is governed by legal codes on discrimination (including racial, disability and sexual) when employing staff and the attitude of staff to people with whom they come into contact.
- Out of Jurisdiction** Some comments and complaints received are about matters over which the council has no responsibility: most highway matters and the banding of a property for council tax purposes for example. In these cases the complaints are passed on to the appropriate authority/agency.

Summary of Complaint Details

9. Finance, Planning and Commercial Services received the highest number of complaints.

Finance: inaccuracy/delay in processing benefit payments; lack of response from call centre; removal of payslips; inaccuracy in invoicing; lack of response to letters; conduct of bailiffs; information not being updated; tone of final notices; complications in trying to make payments.

Planning: predominantly objections to applications submitted by neighbours and no written response given to objections; no warning given prior to issuing of enforcement notice; non notification of application; officer non-attendance at scheduled meeting; claim against issuing of excess charge; officer conduct in relation to park's project.

Commercial: missed or early collections, brown bins (early debits before delivery of bin, tone of invoice letter); lack of street cleaning; roadside refuse.

10. A review of the definition of a complaint and the consistency of its application across departments will be carried out during 2010/11.

Local Government Ombudsman Investigations

11. During 2009/10 the Local Government Ombudsman (LGO) determined 9 complaints, compared to 11 the previous year. Of the six Oxfordshire councils, only one other authority received fewer complaints.

12. The council responded to investigations within an average of 12½ days, compared to 16 days last year, which is significantly below the target of 28 calendar days set by the LGO. It is also the fastest responder of the other Oxfordshire councils (cumulative average of 24.64 days).

13. The following table provides details by service area of the 9 complaints determined by the LGO during 2009/10.

Service Area	Number of Cases Determined	Determination Reason
Planning	6	3 No maladministration 1 Local Settlement 2 Outside Jurisdiction
Finance/Benefits	2	1 Local Settlement 1 Outside Jurisdiction
Car Parks	1	1 Outside Jurisdiction

Categories of Ombudsman Complaints:

- Local Settlements:** Action has been agreed by the authority and accepted by the Local Government Ombudsman as a satisfactory outcome for the complainant.
- No maladministration:** LGO has found no, or insufficient, evidence of maladministration.
- Maladministration:** LGO has concluded maladministration either finding maladministration causing injustice to the complainant or maladministration but causing no injustice. A formal report is issued on findings of maladministration.
- Ombudsman's Discretion:** LGO has exercised its general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that the LGO has found no or insufficient injustice to warrant pursuing the matter further.
- Outside jurisdiction:** These are cases which are outside the LGO's jurisdiction.

14. Cases determined by the Local Government Ombudsman between 2001/2002 and 2009/10:

	Local Settlement	No Mal-administration	Mal-administration	Out of Jurisdiction	Omb Discretion	Total
2001/02	1	9	0	0	5	15
2002/03	1	2	0	0	2	5
2003/04	0	6	0	2	5	13
2004/05	0	4	0	2	1	7
2005/06	0	4	0	1	3	8
2006/07	0	5	0	3	0	8
2007/08	2	1	0	0	5	8
2008/09	1	6	0	2	2	11
2009/10	2	3	0	4	0	9

15. The Local Government Ombudsman produces an Annual Review Report to each council which is published on the council's website.
16. The Ombudsman has again commended highly the council on its performance on response times.
17. No maladministration has ever been found against the council.

Financial Implications

18. There are no financial implications.

Legal Implications

19. There are no legal implications.

Risks

20. There are no risks.

Other Implications

21. There are no other implications.

Conclusion

22. This report sets out the statistical data for complaints and compliments received during 2009/10.

Background Papers

23. Local Government Ombudsman Review 2009/10.