

Audit and Governance Committee report

Report of: Chief Executive

Report no 30/11

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Wards affected: All

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To: Audit and Governance Committee

Date: 28 September 2011

Review of complaints received during 2010/11

Purpose of report

1. The purpose of this report is to provide the committee with information and statistics about the complaints received during 2010/11.

Strategic objectives

2. By analysing complaints we can identify any trends and introduce service improvements, where necessary, thereby supporting the strategic objective of managing our business effectively.

Background

THE COMPLAINTS PROCEDURE

3. The main benefits of having a council-wide procedure for dealing with complaints are that:
 - members of the public know what to do if they have a complaint and how we will deal with it
 - staff can be confident about what to do when they get a complaint
 - everyone is treated fairly and equally
 - by analysing complaints we can improve our services.

- A good complaints procedure gives us the opportunity to show that we want to be open and honest; that we care about providing a good service and that we value feedback on problems that need attention. Our procedure has three stages:

Stage one

The head of service responds, or arranges for a member of their team to respond on their behalf, within 15 working days of receipt of the complaint.

Stage two

The relevant strategic director responds within 15 working days of receipt of the request to escalate the complaint to stage two.

Stage three

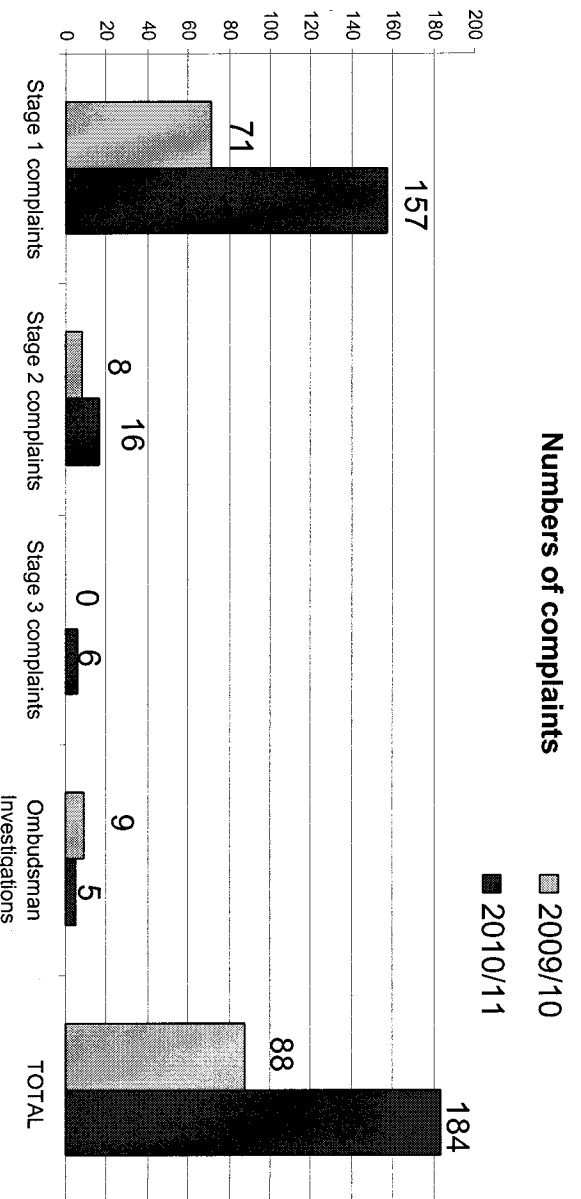
The complainant writes to the chief executive, within six weeks of the strategic director's response, asking for district councillors to consider their complaint. The chief executive will decide whether or not there is merit in referring the complaint to a panel of councillors. Our procedure does not specify a response time; however, the chief executive aims to advise the complainant of his decision in accordance with our published service standards, i.e. within ten working days of receipt of the request. If, in his view, there is merit in referring the complaint to councillors, we will convene a special complaints panel of councillors.

- If, having followed these three stages, the complainant remains dissatisfied, s/he has the right to ask the local government ombudsman to investigate their complaint.

COMPLAINTS STATISTICS

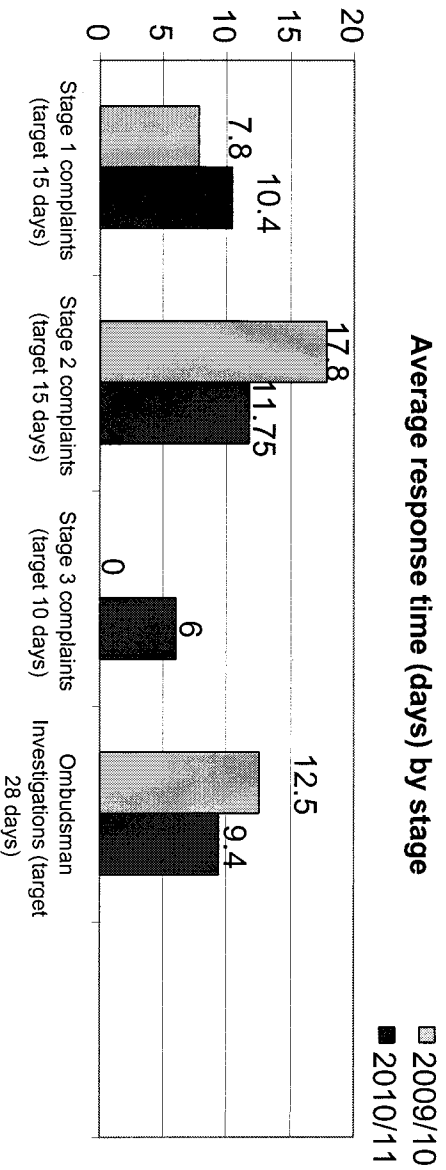
- Complaint statistics are reported monthly in the Board Report, which is available to councillors via a web link in the Councillors' Information Sheet. The Board Report is also available to the public on our website.

Statistics

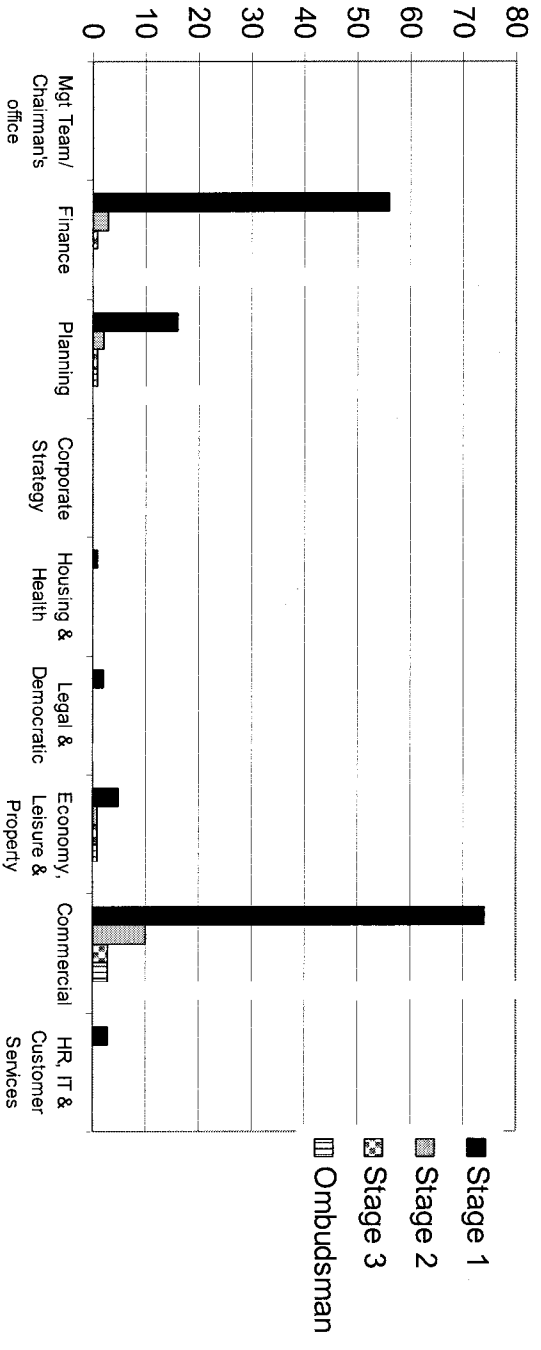


NB -- stage three only introduced in 2010/11

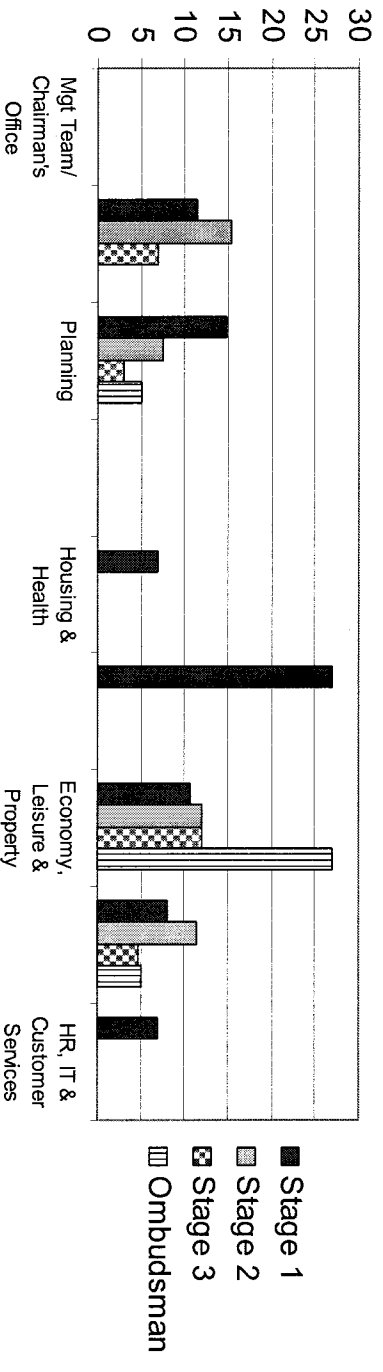
Average response time (days) by stage



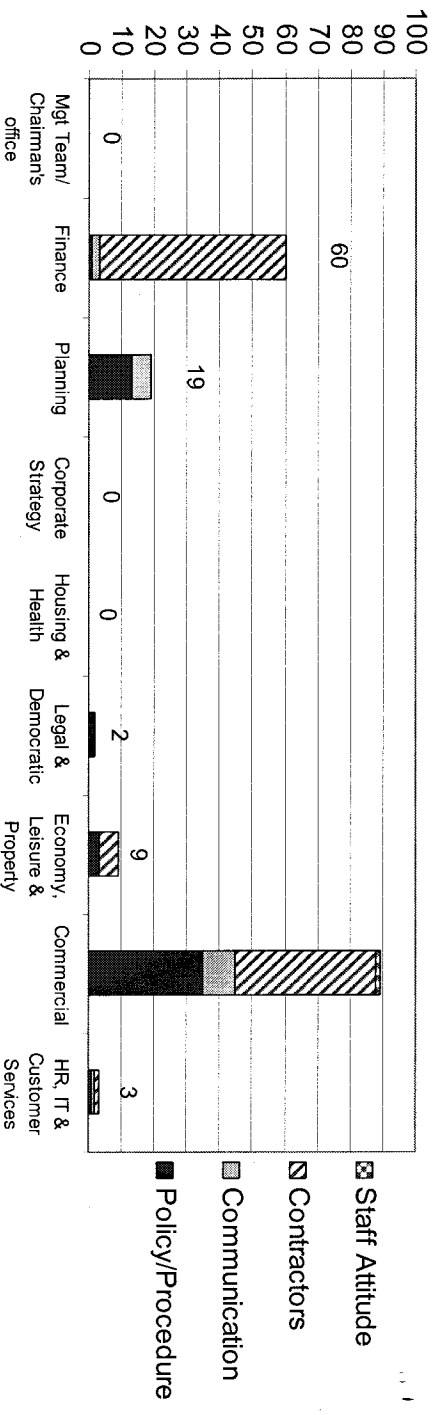
Service Area Complaints by Stage



Service area average response time (days)



Service Area Complaints by Category



Categories of complaints

Policy/procedure This category is used if a complaint is about the council's policies, commitments and intentions for individual services or working practices

Communication This category is used when the council has failed to communicate effectively or in a timely manner

Staff Attitude This category is used for complaints about staff being rude or discourteous

Contractors This category covers any complaint about the way the council's contractors carry out services on behalf of the council.

Summary of complaint details

- The numbers of complaints received compared to last year has increased significantly from 88 to 184. This is due in part to the new waste collection arrangements coming into force. In addition, several complaints have progressed through each stage of our formal complaints procedure and these are recorded as separate complaints at each stage.
- Due to the increased number of complaints received the average response time for stage one complaints has risen slightly; however, the average response time for stage two complaints has significantly improved whilst the average response time for complaints to the ombudsman remains fairly constant:
 - Stage 1 average response time is 10.4 days compared to 7.8 last year
 - Stage 2 average response time is 11.75 days compared to 17.8 last year
 - Stage 3 average response time is six days
 Ombudsman average response time is 13.3 days compared to 12.5 last year
- Finance, Planning and Commercial Services received the highest number of complaints.

Finance: 60 complaints received this year compared to 36 last year. Mainly inaccuracy/delay in processing benefit payments; lack of response from call centre; requests to claimants to re-supply documentation that had been misplaced; complications in trying to make payments.

Planning: 19 complaints received this year compared to 14 last year. Mainly enforcement issues; non notification of application; objections to applications; concern at amount of trees being felled on one development without replacements being planted.

Commercial: 89 complaints received this year compared to 13 last year. The new waste collection arrangements were introduced on 4 October 2010. The majority of complaints related to residents who did not agree with the new system or thought the bins unsightly and preferred to continue with sacks; bins not being delivered on time; delays in assisted collection arrangements and residents experiencing difficulties in trying to make telephone contact with the contractor or the council.

Several complaints were due to disruption of collections over the Christmas period due to snow, which caused a backlog. Collection of brown bins was suspended for a short period to redeploy crews onto clearing the backlog and this resulted in complaints. Other complaints relate to inaccuracy of brown bin invoicing and stickering bins for alleged non-payment.

A total of 42 complaints are attributed to the above reasons.

However, a significant amount of compliments were received concerning the new waste arrangements and the helpfulness of the crews.

10. The staff guidance note contains advice on how to determine what is, and is not, a formal complaint.

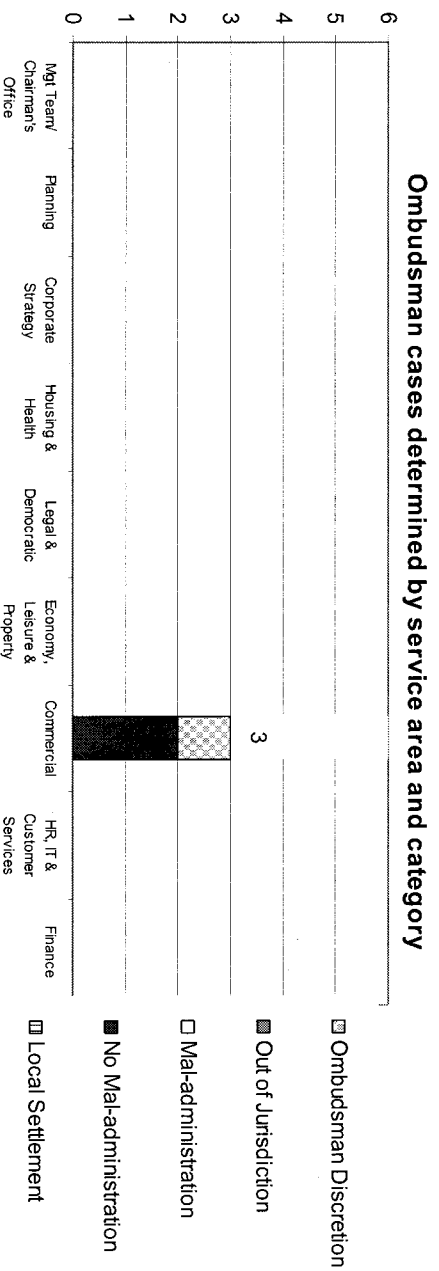
Local Government Ombudsman investigations

11. During 20010/11 the Local Government Ombudsman (LGO) determined three complaints, compared to nine the previous year. This compares very favourably with the other Oxfordshire districts which had a cumulative average of 12.25.

12. We responded to investigations within an average of 13.3 days, compared to 12.5 days last year, which is significantly below the target of 28 calendar days set by the LGO. This makes us the fastest responder of all Oxfordshire districts as the other councils had a cumulative average of 24.7 days.

13. A summary of cases and Ombudsman decisions is attached at appendix one.

14. The following table provides details by service area of the three complaints determined by the LGO during 2010/11.



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.

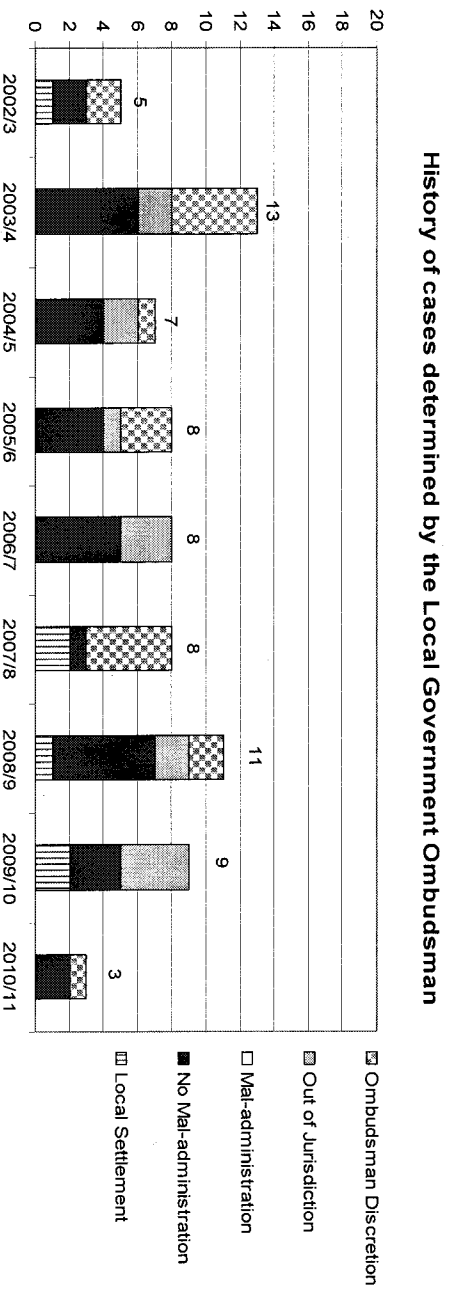
No maladministration: LGO has found no, or insufficient, evidence of maladministration.

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.

15. Cases determined by the Local Government Ombudsman between 2002/2003 and 2010/11:



16. The Local Government Ombudsman produces an Annual Review Report for all councils, which is published on our website.

17. No maladministration has ever been found against the council.

Financial implications

18. There are no financial implications arising directly from this report.

Legal implications

19. There are no legal implications arising from this report.

Risks

20. Having a formal complaints procedure allows us to analyse complaints and improve services where necessary; it also gives members of the public clarity about what to do if they have a complaint, and how we will deal with it. If we did not have a formal procedure, we would be unable to carry out such analysis, with the risk that we would fail to make service improvements.

Other implications

21. There are no human resources, sustainability, equality or diversity implications arising directly from this report.

Conclusion

22. This report sets out the statistical data for complaints and received during 20010/11.

Background papers

23. None.

APPENDIX ONE

OMBUDSMAN DECISIONS – 1 APRIL 2010 TO 31 MARCH 2011

1. Ombudsman decision – ombudsman's discretion

Decision date – 31 August 2010

Ombudsman main subject area - other

Complaint

That the council failed to:

- carry out street cleaning correctly
- prune roadside bushes

Background

This is a longstanding complaint over many years by one resident about the standard of leaf clearance outside his property.

The area receives a full mechanical sweep under the terms of the street cleaning contract. Each time the complainant contacted the council with a request to clear dead leaves, the location was inspected and swept if necessary. On two occasions, isolated areas were found to be below standard and were rectified almost immediately by a manual sweep as the mechanical sweep could not access.

Shrub beds are inspected monthly and pruned according to species. Any growth affecting adjoining footpaths and roads is cut back whenever found to be necessary.

The laurel bushes in question were cut back during the winter period, as per requirements. However the complainant has greater expectations of standards that are outside the council's contractual obligations.

Ombudsman's conclusions

The ombudsman concluded there were insufficient grounds to pursue the investigation further. He considered the events complained about would largely be classed as service requests rather than complaints. He was satisfied that the council acted promptly to requests for cleaning.

He stated it is not the role of the ombudsman to question the judgement of experienced and professional officers. He could therefore not conclude there was any fault by the council over the decision not to prune the bushes until the winter period.

The ombudsman was not persuaded, based on photographic evidence provided by the council of the areas which fell below standard, that there was sufficient injustice caused for him to continue to investigate the matter.

2. Ombudsman decision – No or insufficient evidence of maladministration

Decision date – 29 November 2010

Ombudsman main subject area – other

Complaint

That the council:

- failed to explain its criteria for providing sacks to residents for the new waste collection service
- unreasonably decided to introduce wheelie bins without first consulting residents
- failed to consult residents on the change in arrangements

Background

The complainant objected to the implementation of wheeled bins, his preference was for sacks. The property is large, detached, with front and rear garden, side access and double garage. The property does not therefore meet the exemption criteria as there is sufficient space on the land to accommodate bins.

The complainant asserts he was denied a copy of the exemption criteria. This was provided to him by email eight working days after he first contacted the council. The criteria was also provided to the local member of parliament who contacted the council following an approach from the complainant. The criteria was also available to the public on the council's website and, since this complaint was received, has also been added to the FAQ section for the implementation of the new waste service.

The new collection arrangements were widely publicised in the local press, the council's website, and leaflets delivered to every household in the district. A number of roadshows open to the public were run throughout the district.

The council relied on results of national surveys undertaken on behalf of DEFRA. Extensive consultation was carried out across the whole of Oxfordshire when the OWP Strategy was prepared by the five Oxfordshire Councils.

Extensive consultation was also carried out with residents in south Oxfordshire. When the new waste contract was approved it was on the basis that both Vale and South Oxfordshire would sign up to a joint contract, albeit Vale implemented the new arrangements a year later.

Ombudsman's conclusions

The Ombudsman concluded that the complainant was provided with a link to the website where the exemption policy could be found and could therefore not conclude that access to it had been withheld.

Having considered the nature of the complainant's property and the exemptions provided in the council's policy the Ombudsman did not think that view to be unreasonable.

Having studied Section 46 of the Environmental Protection Act the Ombudsman could see no evidence to suggest that there was any obligation on the council to carry out consultation before changing the method of waste collection. The Ombudsman was satisfied that the council did what it was required to do by publicising the new waste collection arrangements four months before the new arrangements were due to start.

In conclusion, as the Ombudsman could find no evidence of fault in how the council changed its arrangements for collection of waste he did not consider there were grounds to pursue the complaint further.

3. Ombudsman decision – No or insufficient evidence of maladministration

Decision date – 15 December 2010

Ombudsman main subject area – transport and highways

Complaint

That the council refused to cancel an Excess Charge Notice (ECN) issued to the complainant's daughter in a council car park after her ticket had fallen off the window, and that its parking enforcement policies are flawed.

Background

The complainant's daughter was issued with an ECN. She appealed twice but was unsuccessful under the cancellation criteria, and she paid the fine.

Her father subsequently wrote to the council. He accepted that his daughter did contravene the parking regulations and his complaint did not relate to the issuing of the ECN. However, he did not think that the council acted reasonably in taking the decision not to rescind the ECN and claimed the cancellation policy should be reviewed.

In the council's cancellation policy there are five relevant criteria under which this ECN was assessed. It was established that there were no mitigating factors to allow cancellation on this occasion. Three officers had reviewed the decision and upheld the original decision not to cancel.

Strict written guidelines are produced and adhered to in order to ensure a consistent application of policy when considering appeals. This protects both officers and members of the public against possible irregularities, although the complainant and the council have a difference of opinion on how robust these cancellation criteria need to be.

We advised the Ombudsman that this complainant had not exhausted the council's formal complaints procedure and the relevant strategic director had offered to conduct a review under stage two. However, it was considered helpful to provide the Ombudsman with the above information in response to its request.

Ombudsman's conclusion

The Ombudsman did not consider there was any evidence of maladministration in the way the council considered the appeal as it was considered in accordance with its enforcement policy. The Ombudsman therefore had no reason to question the merits of the council's decision not to cancel the ECN.

The Ombudsman can only question the council's parking enforcement policies if he considers them to be wholly unreasonable. The Ombudsman did not consider this to be the case as the council's policy allows it to consider some circumstances where a parking ticket has fallen from display.

The Ombudsman found no grounds to pursue the complaint further.

Local authority report - Vale of White Horse

for the period ending - 31/03/2011

For information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Other	Planning & Development	Total
Formal/informal premature complaints	3	1	0	0	0	1	5
Advice given	1	0	1	0	0	1	3
Forwarded in investigative team (resubmitted)	0	0	0	1	0	0	1
Forwarded to investigative team (new)	0	1	1	1	0	1	4
Total	4	2	2	2	0	3	13

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	0	0	0	2	1	0	3

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	4	13.3
2009 / 2010	4	12.5
2008 / 2009	3	16.0

Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

24 June 2011

By email

Mr D Buckle
Chief Executive
Vale of White Horse District Council

Dear Mr Buckle

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

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W: www.lgo.org.uk

Advice Team: 0300 061 0614

Jane Martin
Local Government Ombudsman
Neville Jones
Deputy Ombudsman

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.


These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman