

## COMPLAINTS REPORT APRIL 2023 - DECEMBER 2023

<b>Head of Service:</b>	Andrew Bircher, Interim Director of Corporate Services
<b>Wards affected:</b>	(All Wards);
<b>Appendices (attached):</b>	None

### Summary

This report details Stage 1 and Stage 2 complaints received by the Council from 01 April 2023 to 31 December 2023.

### Recommendation (s)

#### The Committee is asked to:

- (1) Note the contents of the report covering all complaints received by the Council between 01 April 2023 – 31 December 2023.**

## 1 Reason for Recommendation

- 1.1 To bring to the attention of the Committee all complaints received between April 2023 – December 2023 and, where the council has been found at fault, to advise of actions taken and lessons learnt.

## 2 Background

- 2.1 A complaint is defined as an expression of dissatisfaction about something we said we would do and didn't, or a poor standard of service. This could either be by ourselves or a contractor acting on our behalf.
- 2.2 A complaint is not a request for service (e.g., noise problems) or a request for information or an explanation of our policy (eg. level of Council Tax set). As an example, a one-off missed bin collection would result in a missed bin service request, however, repeated misses of the same bin at the same address would be logged as a complaint.
- 2.3 In areas where there are independent tribunals for decisions to be referred to, for example, planning application outcomes, housing review applications and Penalty Charge Notices, these matters will be dealt with by the appropriate independent body and will therefore not fall within the Council's two-stage complaint process.

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- 2.4 The council has 15 working days to respond to Stage 1 complaints and 15 working days to Stage 2 complaints. If a Stage 1 complaint is not responded to within timescales, the complainant can request escalation to Stage 2 without the Stage 1 response being completed.
- 2.5 Complaints fall under three main categories which are: service delivery, staff behaviour/conduct and policy.
- 2.6 Staff within service areas deal with their own complaints with the support of Customer Services, although there are instances where Customer Services will respond to complaints on behalf of a service area if they have the relevant information.
- 2.7 Once a complaint has been through the two-stage Council complaint process and the complainant is still unsatisfied, they are able to refer the complaint to the Local Government & Social Care Ombudsman (LGSCO). This is always included in the response to the complainant so that they are aware.
- 2.8 In December 2023 a restructure took place within Customer Services resulting in the management of Stage 1 and Stage 2 complaints being transferred from the Contact Centre Manager to the new Customer Services Manager. This brought the management of all complaints, including those referred to the LGSCO, under one manager which will strengthen the process.
- 2.9 Under the previous management an audit was undertaken which resulted in several areas identified for improvement. These audit findings, along with further examination conducted by the new management, resulted in a complaints project being initiated. The project aims to bring about positive change and an improvement in the way complaints are handled and viewed across the Council.
- 2.10 Complaints provide the Council with a good opportunity to review the decisions we have made and the service we have provided. Findings in complaint outcomes can be used to bring about service improvement through identifying and sharing lessons learned across all service areas.
- 2.11 The Local Government & Social Care Ombudsman have set out a new Complaint Code which they plan to incorporate into their processes from 2026/27 onwards. They will work with pilot Councils in 2024/25 with the aim of developing a guide to accompany this code by April 2025. The Council has participated in the Consultation and intends to review the code and will look to make improvements as a result.

### **3 Complaints Received between 01 April 2023 – 31 December 2023**

- 3.1 Table 1 shows the total number of complaints broken down by service area and complaint stage, received between April 2023 and December 2023.

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- 3.2 Table 2 shows the number of complaints broken down by service area team and complaint stage between April 2023 and December 2023.
- 3.3 Table 3 shows the number of complaints by service area responded to inside and out of time at both stage one and stage two between April 2023 and December 2023
- 3.4 Table 4 shows the number of complaints upheld and not upheld by service area responded to between April 2023 and December 2023.

Table 1

Service Areas	Total complaints (Stage 1 & 2)	Percentage for total complaints	Stage 1	Stage 2
Operational Services	320	76.50%	294	26
Housing & Community	56	13.30%	49	7
Place Development	27	6.45%	20	7
Policy & Corporate Resources	8	1.90%	6	2
Finance Services	5	1.19%	5	0
Legal, Democratic & Elections	2	0.47%	1	1
<b>Totals</b>	<b>418</b>	<b>100%</b>	<b>375</b>	<b>43</b>

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Table 2

	Operational Services				Housing & Communities			Place Development			Policy & Corporate Resources		Legal, Democratic & Election Services	Financial Services		
	Refuse & Recycling	Grounds Maintenance	Venues	Cemeteries	Environmental Health	Car Parks	Housing	Planning	Planning enforcement	Trees	Contact Centre	Business Support	Legal	Council Tax	Benefits	Finance
Stage 1	272	16	2	4	10	28	11	18	1	1	5	1	1	3	1	1
<b>Subtotal</b>	<b>294</b>				<b>49</b>			<b>20</b>			<b>6</b>		<b>1</b>	<b>5</b>		
Stage 2	26				5	2	0	6	0	1	1	1	1	0	0	0
<b>Subtotal</b>	<b>26</b>				<b>7</b>			<b>7</b>			<b>2</b>		<b>1</b>	<b>0</b>		
<b>Totals</b>	<b>320</b>				<b>56</b>			<b>27</b>			<b>8</b>		<b>2</b>	<b>5</b>		

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Table 3

Service Area	Stage 1 In time	%	Stage 1 out of time	%	Stage 2 in time	%	Stage 2 out of time	%
Operational Services	256	87%	37	13%	24	92%	2	8%
Housing & Communities	31	63%	18	37%	3	43%	4	57%
Place Development	8	40%	12	60%	1	14%	6	86%
Policy & Corporate Services	5	83%	1	17%	1	50%	1	50%
Financial Services	4	80%	1	20%	0	0%	0	0%
Legal & Democratic Services	1	100%	0	0%	1	100%	0	0%

Table 4

Service Area	Stage 1 Upheld	%	Stage 1 not upheld	%	Stage 2 Upheld	%	Stage 2 not upheld	%
Operational Services**	240	82%	51	17%	24	92%	2	7%
Housing & Communities**	22	45%	25	51%	1	14%	6	86%
Place Development**	7	35%	11	61%	0	0%	7	100%
Policy & Corporate Services	2	33%	4	67%	0	0%	2	100%
Financial Services	1	20%	4	80%	0	0%	0	0%
Legal & Democratic Services	0	0%	1	100%	0	0%	1	100%

\*\* Operational Services, Housing & Communities and Place Development had complaints withdrawn.

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### **Operational Services**

- 3.5 Customer Services deal with and respond to most of the Operational Services complaints. Most service areas respond to their own complaints, but the volume of complaints for Operational Services requires additional support from Customer Services.
- 3.6 Operational Services have received the highest number of complaints due to the nature and volume of the work they do. The main reason for complaints is Service delivery failure (86%). For example, repeated (not one-off) missed bins and issues with garden waste missed collections.
- 3.7 Despite the large volume of complaints, Operational Services have the highest percentage of complaints resolved in time for stage 1 (87%) and stage 2 (92%). There was a surge in complaints for this service area in the summer months due to cancelled garden waste collections as a result of staff shortages.
- 3.8 It is worth while reflecting on the fact that Operational Services make approximately 500,000 collections a month, and with this volume of work mistakes will happen. Although the number of complaints has risen this year mainly due to Garden Waste collection issues, we have seen this trend fall towards the end of the year. The number of complaints is still very low when compared with the number of collections made.
- 3.9 A very low percentage of stage 1 complaints escalate to stage 2, (8%) which would indicate that generally complainants are happy with the outcome of their stage 1 complaint. They do, however, have a high percentage of complaints that are upheld, 82% at stage 1 and 92% at stage 2. This generally means we are at fault, which may indicate areas of concern with certain services.
- 3.10 Customer Services have regular meetings in place with Operational Services to discuss complaints and ways in which some complaints can be prevented through proactive work. Customer Services also work with managers to understand how they are learning from these complaints and how they are communicating complaint outcomes back to the staff, and if necessary, making changes to processes and procedures.

### **Housing & Communities**

- 3.11 Housing and Communities receive the second highest number of complaints within the Council. Their percentage rate for in-time complaint responses is 63% for their stage 1 complaints and 43% of their stage 2 complaints. This is lower than we would expect.

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- 3.12 The main reason for their complaints is Service Delivery failure (51%), this includes Car Park issues, but the service delivery failure is followed very closely by Staff behaviour issues (43%). Examples are interaction with and behaviour of Civil Enforcement Officers and housing staff.
- 3.13 Housing and Parking are both areas within which high tension situations between Officers and the Public can arise. For example, the issuing of a PCN in a Council Car Park, or the Council's refusal to house a member of public. In situations such as these, the complaint can be unfairly made against the individual rather than the policy or process being followed.
- 3.14 Housing & Communities have a lower percentage of complaints upheld at stage 1 (45%) and at stage 2 (14%).
- 3.15 In terms of escalation, 14% of Housing & Community complaints escalate to a stage 2, as the complainants are unhappy with the stage 1 response or decision.
- 3.16 Regular meetings are booked in and will continue with the Housing and Communities team to discuss their complaints, especially in terms of how we can improve the number of complaints resolved in time, and also looking at lessons learnt in areas such as staff behaviour.
- 3.17 There is one complex complaint still outstanding from November 2023.

#### **Place Development**

- 3.18 This service area has a fairly low number of complaints. They do however have a low percentage of complaints resolved in time (40% for stage 1 and 14% for stage 2).
- 3.19 The main reason for Place Development complaints is regarding service delivery failure. For example, the service provided by the Planning and Enforcement officers. The main reasons their complaints were escalated to stage 2 was because complainants were unhappy with the stage 1 decision.
- 3.20 It is worth noting that a complaint cannot be made about a planning application decision. The applicant should appeal directly to the Planning Inspectorate regarding the decision. Similarly, Planning Enforcement complaints are also dealt with separately and work to the process set out in the Council's "Planning Enforcement Plan".
- 3.21 Complaints regarding the service provided by the Planning/Enforcement staff, the process they have followed, or policy failures will be accepted by the Council.
- 3.22 A low percentage of Place Development complaints are upheld (35% at stage 1 and 0% at stage 2). This suggests the service area are making the correct decisions and generally have good processes in place that they follow.

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- 3.23 The improvements that could be made here are based mainly around working to timescales, ensuring that responses are provided in time to complainants.
- 3.24 Meetings between Planning Development and Customer Services will continue with a view to encouraging on time responses. In addition, Customer Services will also look to understand how the changes or improvements due to lessons learnt are being communicated to the wider team and actioned.

### **Policy & Corporate Resources**

- 3.25 This area has a low number of complaints with a high level (83%) resolved in time at stage 1 and a lower level (50%) resolved in time at stage 2.
- 3.26 The main reason for their complaints were service delivery failure, for example complainants were unhappy with the service they received from the Customer service team and the main reason for escalation to stage 2 was due to the complainants being unhappy with the decision at stage 1.
- 3.27 There is a low upheld rate at stage 1 of 33%, with the upheld rate at stage 2 being 0%.
- 3.28 The delays seen at stage 2 have been due to specialist advice being sought, which took longer than expected to receive.

### **Legal, Democratic & Election Services**

- 3.29 This service area only received one complaint. It was resolved in time at stage 1 and was escalated to stage 2 as the complainant wasn't happy with the decision. The stage 2 was also resolved in time with both decisions at both stages not upheld.

### **Finance, Revenues & Benefits**

- 3.30 Finance, Revenues & Benefits received a low number of complaints at stage 1 and 80% of these were resolved in time. None of these cases were escalated to stage 2.
- 3.31 The main reason for their complaints were service delivery failure. For example, customers were unhappy with the service/outcome of their case as determined by the Council Tax and Benefit officers and that emails were not responded to as quickly as expected.
- 3.32 A low number of cases (20%) were upheld at stage 1.



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### **Additional Information**

3.33 As part of the project mentioned in paragraph 2.8, Customer Services have identified ways to mitigate the number of complaints not responded to in time by the service areas. Relationship meetings between Customer Services and service areas are either already in place, or planned, to ensure more robust monitoring of complaint responses and timescales for completion. Wider complaint training for both Customer Services and service areas is being planned, supported by refreshed written procedures and guidance notes.

### **4 Future Reporting.**

4.1 Next year's annual complaint report will provide an analysis of year-on-year statistics that are currently not available to us this year.

4.2 The Council will also be aiming to capture more on lessons learned, what actions have been taken as a result, along with any improvements made as a result of learning from upheld complaints.

### **5 Corporate Risks**

5.1 A risk exists if the Council does not take complaints and their outcomes seriously. To this end, the Strategy and Resources Committee has the risk of "Failing to respond to complaints effectively" included in its committee risk register. This is reviewed and reported quarterly to the Committee Chairs.

5.2 Findings need to be used to bring about service improvement and increased customer satisfaction. The Council also needs to be honest and transparent when it has been wrong, and it needs to act to put this right where possible. To support this, reporting on complaints is presented to this Committee at each meeting in a standalone report, and within the Corporate Performance Report. The standalone report contains information on any upheld Ombudsman and Information Commissioner's Office complaints.

5.3 Not having a robust and effective complaint handling process internally may result in an additional case load being referred to the Ombudsman. Ombudsman decisions are published on their website, and there is a risk to our corporate reputation if we are seen not to be handling complaints effectively.

### **6 Risk Assessment**

Legal or other duties

6.1 Equality Impact Assessment

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6.1.1 No direct implications

6.2 Crime & Disorder

6.2.1 No direct implications

6.3 Safeguarding

6.3.1 No direct implications

6.4 Dependencies

6.4.1 No direct implications

6.5 Other

6.5.1 None

## 7 Financial Implications

7.1 The financial implications of any complaints will be detailed in the relevant sections above.

7.2 **Section 151 Officer's comments:** None arising from the contents of this report.

## 8 Legal Implications

8.1 **Legal Officer's comments:** None arising from the contents of this report.

## 9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council

9.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

9.3 **Climate & Environmental Impact of recommendations:** No direct implications

9.4 **Sustainability Policy & Community Safety Implications:** No direct implications

9.5 **Partnerships:** No direct implications

## 10 Background papers

10.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

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- None

**Other papers:** None