

BABERGH DISTRICT COUNCIL

From: Director of Corporate Services	Report Number: L72
To: Overview and Scrutiny (Stewardship) Committee	Date of meeting: 22 September 2011

ANNUAL MONITORING OF FORMAL COMPLAINTS 2010/11

1. Purpose of Report

- 1.1 This report provides Councillors with information on all formal complaints made to the Council in 2010/11, including those referred to the Local Government Ombudsman.
- 1.2 The purpose of the report is to explain how the Council has responded to and learnt from complaints received during 2010/11 in order to improve the various services we provide to our residents.

2. Recommendation

- 2.1 That the report be noted.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 There are no direct financial implications.

4. Risk Management

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 7 – Finance, Performance & Risk Management. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Complaints are not monitored and managed and opportunities to improve Council services are lost	Significant	High	Robust formal complaints procedure and reporting arrangements in place
Reputational damage			

5. Consultations

- 5.1 As this is a monitoring report only, no consultations are required with Unison or other outside bodies.

6. Equality and Diversity Impact

- 6.1 There are no equality and diversity implications arising from this monitoring report. However, the Council's formal complaints procedure, revised in February 2010, will be reviewed as part of the Council's response to the Equality Act 2010 (Specific Duties) Regulations 2011 which are due to come into effect later this year.

7. Shared Service / Partnership Implications

- 7.1 There are no implications for shared services or partnerships arising from this monitoring report. However, officers from both Councils are working towards a single complaints procedure/system across Babergh and Mid Suffolk District Councils with the aim of bring this into operation during 2012/13.

8. Key Information

Enquiries and complaints to the Ombudsman

- 8.1 The Council has received its annual letter from the Local Government Ombudsman. This is shown in Appendix 1. The letter includes information on the number of enquiries and complaints received by the Ombudsman about the council and subsequent decisions taken. Appendix 1 also provides supporting information on the interpretation and analysis of the complaints report.
- 8.2 The Ombudsman received seventeen enquiries and complaints about the Council during 2010/11, which was up by five from the previous year.

Ombudsman decisions

- 8.3 Of the seventeen enquiries and complaints received in 2010/11, nine were premature and advice was given to two enquirers. The remaining six were forwarded to the Ombudsman's investigative team. Two concerned planning and development, two concerned housing and the remaining two related to benefits and tax and corporate and other services respectively.
- 8.4 It should be noted that not all complaints are decided in the same year that they are received by the Ombudsman. In 2010/11, the investigative team made decisions on five complaints. Of these, one complaint was considered to be outside the jurisdiction of the Ombudsman, one was settled locally (no report) and one through the Ombudsman's discretion (no report). In the remaining two cases there was no evidence of maladministration or injustice to warrant further investigation.

Council response times

- 8.5 During 2010/11, the Ombudsman made first enquiries on one complaint and the Council took an average of 29 days to respond. This is narrowly outside the target of 28 days to respond. In comparison, first enquiries were made on four complaints in both 2009/10 and 2008/09 and the Council took an average of 25 and 20.5 days to respond respectively. Whilst it might appear that response times are increasing year on year, the very small number of new enquiries makes it difficult to draw a firm conclusion.
- 8.6 On average district councils responded to 65% of complaints within the 28 day target time.

Comparison with Mid Suffolk

- 8.7 The pattern of enquiries and complaints received by the Ombudsman during 2010/11 for Babergh and Mid Suffolk District Councils is broadly similar as shown in Tables 1a. The most notable variations were in the number of enquiries and complaints received for Environmental Services, Housing and Planning as shown in Table 1b. Overall, Mid Suffolk had slightly more complaints (20 vs. 17) and the Ombudsman forwarded proportionately more of these to its investigative team. Half of those forwarded to the investigate team for Mid Suffolk (5 of 10) concerned planning and development.

Table 1a – Enquiries and complaints by stage

2010/11	Babergh	Mid Suffolk
Formal/informal premature complaints	9	5
Advice given	2	5
Forwarded to investigative team (resubmitted)	0	2
Forwarded to investigative team (new)	6	8
Total	17	20

Table 1b – Enquiries and complaints by service area

2010/11	Babergh	Mid Suffolk
Benefits & Tax	3	3
Corporate & Other Services	2	0
Environmental Services & Public Protection & Regulation	1	5
Highways & Transport	2	1
Housing	6	2
Other	0	1
Planning & Development	3	8
Total	17	20

8.8 During 2010/11 the Ombudsman made first enquiries on six complaints concerning Mid Suffolk and they took an average of 19 days to respond compared to 29 days for Babergh. Though it should be noted that the Babergh outturn relates to just one complaint. Overall, therefore, whilst the Ombudsman received slightly more enquiries and complaints about Mid Suffolk than Babergh, Mid Suffolk responded more quickly on average during 2010/11.

Other Complaints received by the Council in 2010/11

8.9 Appendix 2 shows a summary of all the other complaints received by the Council in 2010/11. Complaints are listed by division and service area. The Council received a total of 42 complaints between 1 April 2010 and 31 March 2011 of which 16 were upheld. Due to the introduction of the new formal complaints procedure which came into effect in February 2010, it is not possible to make a direct comparison with previous years.

8.10 Effective monitoring of complaints throughout the review period has allowed a number of learning points and areas for improvement to be identified and acted upon. All of these are detailed in Appendix 2; some examples include:-

- As a result of a loss of a customer's identification papers, a new improved verification process was adopted in December 2010;
- Following a number of complaints, the Council now runs checks to ensure that bin round notifications are received by affected households before any round changes take effect

- As a result of a complaint concerning response times to calls made to the Money Matters team during busy periods, all callers are now offered the option of leaving a message for call back and provided with details of alternative online options where this is appropriate.

9. Appendices

Title	Location
1. The Local Government Ombudsman’s Annual Review Letter for 2010/11	Attached
2. Summary of all complaints received by the Council 2010/11	Attached

10. Background Documents

10.1 None.

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24 June 2011

Ms Charlie Adan
Chief Executive
Babergh District Council
Corks Lane
Hadleigh
Ipswich IP7 6SJ

Dear Ms Adan

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.

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 89 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.

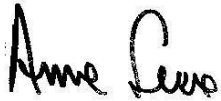
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

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	Housing	Planning & Development	Total
Formal/informal premature complaints	2	0	0	2	4	1	9
Advice given	0	1	1	0	0	0	2
Forwarded in investigative team (resubmitted)	0	0	0	0	0	0	0
Forwarded to investigative team (new)	1	1	0	0	2	2	6
Total	3	2	1	2	6	3	17

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	1	0	0	2	1	1	5

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	1	29.0
2009 / 2010	4	25.0
2008 / 2009	4	20.5

Provisional comparative response times 01/04/2010 to 31/03/2011

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

COMPLAINTS REGISTERCOMPLAINTS RECEIVED DURING PERIOD APRIL 2010 TO MARCH 2011

Date Received	Summary of Complaint	Outcome of Complaint
COMMUNITY DEVELOPMENT DIVISION (Tenant Services, Homelessness, Leisure)		
15 June 2010	Unclear instructions given for keys to temporary accommodation. Unhappy about the tone used by the officer.	Stage 1 - Complaint upheld. The tenant did not have to pay the charge, but they were reminded that they should react to requests from the landlord. The learning points were noted – clear and consistent instructions should always be given to clients.
2 Sept 2010	Premature complaint made to the Local Government Ombudsman about a homelessness application.	Stage 1 - Complaint withdrawn. Head of Service confirmed that the Council had correctly followed its policies and procedures. Complainant was offered suitable accommodation and was very happy with the outcome.
3 Sept 2010	Identification papers lost by the Council	Stage 1 - Complaint upheld. Complainant was refunded the cost of replacing their passport. The learning points were noted – a new, improved verification process was adopted in December 2010.
	Vehicles being parked on a grassed area owned by the Council.	Stage 1 - Complaint not upheld. The Council does not accept that little has been done to address the problem. Tenants have been written to and a general reminder letter sent to owner-occupiers.
CONTRACT & ASSET MANAGEMENT DIVISION (Housing Repairs, Car Parking)		
14 Apr 2010	Council's policy of upgrading black waste bins may disadvantage some residents	Stage 1 - Complaint upheld. Learning points were noted. Policies will be reviewed regularly and tested against non-expert understanding.

Date Received	Summary of Complaint	Outcome of Complaint
11 Apr 2010	Staff handling cash and making sandwiches at the deli bar in HQ canteen.	Stage 1 - Complaint not upheld. The Food Safety Team confirmed that there is no legislation governing the handling of food and money, as the risk to health is thought to be negligible.
30 Apr 2010	Notification of changes to the bin round not received before the changes took effect.	Stage 1 - Complaint upheld. Following receipt of the complaint, notifications were sent out by 1 st class post to the relevant households. The learning points were noted. Check that bin round notifications have been received by affected households before round changes take effect
16 June 2010	Road safety, access and fencing	Stage 1 - Complaint not upheld. Anonymous complaint. Not our land (Suffolk Heritage Housing Association) therefore the Council is not able to address this. Unable to advise the complainant as no contact details were provided.
30 Jun 2010	Late notification of cease of Rail Card sales	Stage 1 - Complaint upheld. The learning points were noted. In future, checks will be made to ensure that print merge and mailings have been carried out within specified timescales.
8 Jul 2010	Council to take responsibility for damage caused by one of our contractors	Stage 1 - Complaint upheld. The Council arranged for appropriate action to be taken to repair the damage. The learning points were noted. Telephone staff were reminded to listen to all the facts presented to ensure that calls are directed to the appropriate contact.
8 Jul 2010	Delayed response to Out of Hours calls over the weekend	Stage 1 - Complaint upheld. New dedicated telephone line supplied by Flagship Call Centre for the sole use of fire emergency services. Learning points were noted. Notices giving details of the emergency telephone number to be posted at entrances in corporate stock buildings.

Date Received	Summary of Complaint	Outcome of Complaint
9 Aug 2010	Request to be recompensed for time taken to deal with an appeal against a parking ticket	Stage 1 - Complaint not upheld. The complainant was able to supply a valid ticket. A letter was sent to withdraw the charge and to remind the complainant that parking tickets should be displayed where they can be seen by the wardens.
23 Sept 2010	Insufficient parking	Stage 1 - Complaint not upheld. Letter sent to the complainant to explain that there was not enough room to provide additional parking.
24 Sep 2010	Response time to phone calls made to the Money Matters Team.	Stage 1 - Complaint upheld. Apologised to the complainant. Gave an explanation of the contact arrangements and provided details of alternative online options. Learning points were noted. Switchboard staff to use positive language about phone lines being busy and all callers to be offered the option of leaving a message for call back.
3 Oct 2010	Council house repairs and regeneration	Stage 1 - Complaint not upheld. Advised the complainant to contact Social Services, who then provided appropriate advice to the Council so that a kitchen could be designed and installed to meet the tenant's specific needs.
20 Jan 2011	Garden wall – request for it to be repaired. Premature complaint to the Local Government Ombudsman.	Stage 1 - Complaint upheld. The wall was repaired. Learning points were noted – a decision should have been made sooner to complete the repair.

Date Received	Summary of Complaint	Outcome of Complaint
FINANCE DIVISION (Council Tax, Revenues and Benefits)		
13 May 2010	Council Tax reminder sent even though payment had already been received	Stage 1 - Complaint upheld. Payment had been allocated to the wrong debt. Instalments were reset to combine all debts to prevent the problem occurring again.
14 May 2010	Querying why a court summons had been issued	Stage 1 - Complaint not upheld. The summons was originally issued because the resident was not paying in line with the instalment plan on their bill. As they paid regularly by standing order, the summons was withdrawn and a new payment arrangement set up.
7 Jun 2010	Single person review form reminder sent only 18 days after the original form was received	Stage 1 - Complaint not upheld. The deadline for returning the original form was within 14 days. The reminder was issued 21 days later.
17 Jun 2010	No reminder received before a summons was issued	Stage 1 - Complaint not upheld. All recovery documents issued correctly. As a goodwill gesture summons and costs were withdrawn.
30 Jun 2010	Wording used in a single person discount review letter from Northgate.	Stage 1 - Complaint upheld. The Council agreed that wording of the letter could be improved. Learning points were noted.
2 Jul 2010	Wording used in a single person discount review letter from Northgate.	Stage 1 - Complaint upheld. The Council agreed that the wording of the letter could be improved. Learning points were noted.
15 Aug 2010	Management of account	Stage 1 - Complaint not upheld. Complainant has not responded to letters. Home visit offered to see if eligible for benefits. Asked for details of someone willing to act on their behalf.
18 Aug 2010	Use of recovery letters and management of account	Stage 1 - Complaint not upheld. The complainant's account had been managed on a personal basis and numerous arrangements had been made that subsequently failed.
15 Nov 2010	Premature complaint made to the Local Government Ombudsman regarding receipt of summons, difficulty	Stage 1 - Complaint upheld. Complainant tried to contact the Council during peak time and other payment methods are

Date Received	Summary of Complaint	Outcome of Complaint
	contacting Money Matters and making a payment.	available. Summons withdrawn and direct debit instruction sent to the complainant.

Date Received	Summary of Complaint	Outcome of Complaint
NATURAL & BUILT ENVIRONMENT DIVISION (Waste Collection, Enforcement, Private Housing)		
23.7.10 N&BE 4	Nuisance neighbours and subsequent house move	<p>Stage 1 - Complaint not upheld. The incidents were deemed to be too infrequent. The complainant did not complete the 'diary pack' or agree to the use of noise recording equipment. There was therefore insufficient evidence for the Council to serve an abatement order for a statutory noise nuisance.</p> <p>Learning points were noted. Clarification of anti-social behaviour and nuisance is required when both elements are involved in a complaint.</p>
27.7.10 N&BE 5	Non compliance with operators licence	<p>Stage 1 - Complaint not upheld. This was not a complaint against the Council.</p> <p>The Council visited the site and discussed the issues with the operator. Advice was given on how to get permission for altered hours of work and how to minimise dust on the site. The Council also contacted the Traffic Commissioner to make him aware of the complaints</p>
8.10.10 N&BE 7	Keeping pigeons – how case was handled	<p>Stage 1 - Complaint not upheld. Officers made several attempts to visit the property to check that the conditions of an Abatement Notice service in 2007 were still being met. The Council also arranged for an animal shelter to collect and re-home the pigeons.</p>
25.2.11 N&BE 11	<p>Noise nuisance from machinery.</p> <p>Anti-social behaviour</p>	<p>Stage 2 - Complaint not upheld. There was insufficient evidence of noise nuisance.</p> <p>Offer of independent mediation to resolve anti-social behaviour concerns was turned down.</p>
28.1.11 N&BE 12	Premature complaint to Local Government Ombudsman about planning and environmental breaches.	<p>Stage 1 – Complaint was still ongoing at the year end The Council is looking into the potential breach of planning</p>

Date Received	Summary of Complaint	Outcome of Complaint
	Concerned that the Council is not being helpful	<p>conditions.</p> <p>The volume of correspondence from the complainant has made it difficult for the Council to co-ordinate a full response. The Council has been helpful in trying to resolve the matter and positive deadlines are to be set for the submission of the appropriate planning applications.</p>
28.2.11 ENV 034	Conditions of the Disabled Facilities Grant	<p>Stage 3 - Complaint not upheld. The complaint was submitted to the Local Government Ombudsman who decided not to pursue it further.</p> <p>Learning points were noted – the conditions of the Disabled Facilities Grant were clarified.</p>
NATURAL & BUILT ENVIRONMENT DIVISION (Planning Control)		
14.5.10 N&BE 01	Determination of a planning application by delegated decision.	<p>Stage 2 - Complaint not upheld. Appropriate planning procedures were followed when determining the planning application.</p> <p>Learning points were noted. Ensure Members are briefed appropriately on the scheme of delegation for planning applications. The Planning Department reassured the Town Council that their views are taken in to account when planning decisions are made.</p>
30.6.10 N&BE 02	Execution of a planning application	<p>Stage 1 - Complaint upheld. The Council apologised to the complainant for providing conflicting and confusing information about the status of the planning application.</p> <p>Learning points were noted regarding the quality and accuracy of communication.</p>
20.4.10 N&BE 03	Inconsistent and conflicting planning advice	<p>Stage 1 - Complaint not upheld. The planning advice given to the complainant was taken out of context. The Council apologised to the complainant for the delay in dealing with</p>

Date Received	Summary of Complaint	Outcome of Complaint
		<p>their complaint.</p> <p>Learning points were noted regarding the importance of providing clear application advice.</p>
<p>12.7.10 N&BE 06</p>	<p>Council's conduct in dealing with a planning application</p>	<p>Stage 2 - Complaint not upheld. The Council apologised for any instances where there were delays in responding to queries from the complainant. The planning application was processed within an appropriate time frame.</p> <p>An appeal against Babergh DC's decision not to grant planning permission was dismissed by The Planning Inspectorate.</p>
<p>23.7.10 PC147</p>	<p>Planning application – responses not received within published timescales</p>	<p>Stage 1 – Complaint upheld. The Council apologised for failing to respond in line with service standards.</p> <p>Learning points were noted regarding the importance of replying to letters within agreed deadlines.</p>
<p>8.10.10 N&BE 08</p>	<p>Planning application – incorrect advice provided</p>	<p>Stage 1 - Complaint partially upheld. The Council apologised to the complainant for providing conflicting information about the deadline for submitting an appeal. The appropriate planning procedures were followed when determining the planning application.</p> <p>Learning points were noted regarding the clarity of advice given.</p>
<p>19.10.10 N&BE 09</p>	<p>Planning application – financial loss to applicant due to delays</p>	<p>Stage 1 - Complaint not upheld. Progression of the planning application was delayed due to pressure of work. The application also had to be considered by the Development Committee as it raised some planning policy issues that required careful consideration. It was not clear why the applicant had to suspend trading prior to approval of the application, as the existing building could still be used.</p>

Date Received	Summary of Complaint	Outcome of Complaint
23.11.10 N&BE 10	Lack of consideration given to comments provided about a proposed development. Time given to interested parties who want to address the Development Committee.	Stage 1 - Complaint not upheld. Representations were summarised in the report to the Development Committee and in the Addendum Paper. There was also a further opportunity to reiterate any concerns, because the proposal was deferred to a later committee meeting. Public speaking arrangements at Development Committee are in line with Council procedures. The time should be used to make pertinent points about the proposal – it is not a substitute for making points in writing.
2.11.10 N&BE 13	Complaint to Local Government Ombudsman - failure to control development of an extension	Stage 3 - Response from Malcolm Firth sent to the LGO on 8 March 2011. Complaint was still ongoing at the year end Learning points were noted - consider earlier implementation of enforcement action.
7.2.11 N&BE 15	Delays in processing a planning application. Concerns about the planning advice given.	Stage 1 - Complaint was still ongoing at the year end The Council apologised for the delays that occurred during the planning application process.
3.3.11 N&BE 16	Misleading and inaccurate planning advice causing unnecessary expense	Stage 1 – Complaint was still ongoing at the year end Pre-application advice was given to the complainant to address previous objections. The case officer did outline their reservations about the proposed development. The complainant was advised that it is not possible to reimburse the application fee and any costs associated with the application.

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