

PERFORMANCE AND GOVERNANCE COMMITTEE – 15 November 2011

FORMAL CUSTOMER COMPLAINTS MONITORING 2010/11

Report of the: Corporate Resources Director

Status: For Consideration

Executive Summary: This report updates Members regarding customer complaints and feedback monitoring for the year 2010/11 and includes information from the Local Government Ombudsman's Annual letter.

This report supports the Key Aim of improving the key services we deliver to the public.

Portfolio Holder Cllr. Fleming

Head of Service Head of Finance and Human Resources – Mrs. Tricia Marshall

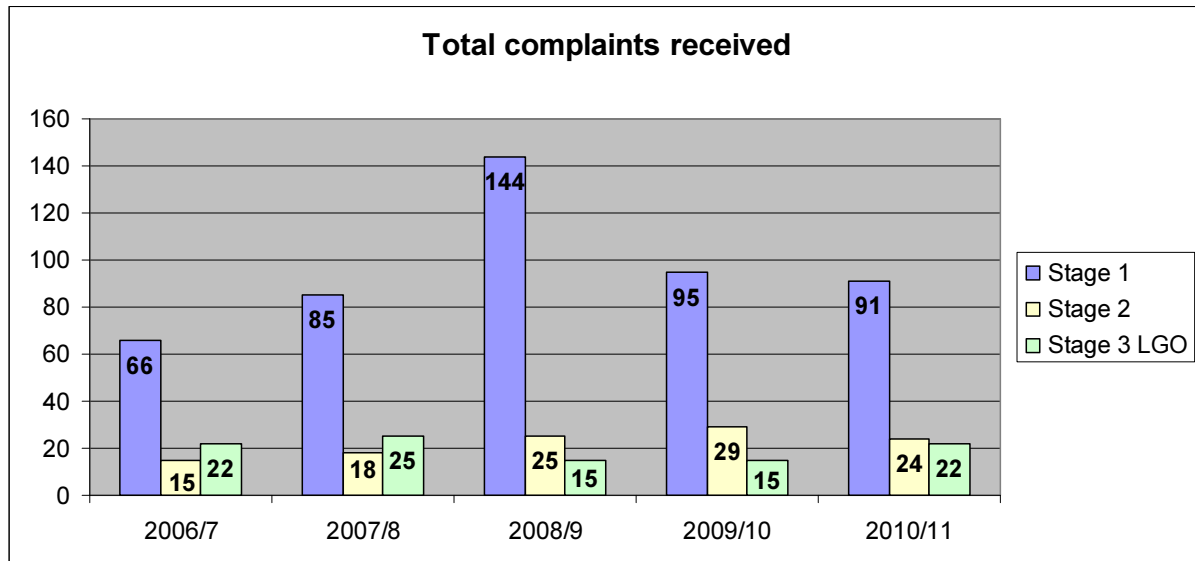
Recommendation: That the report be noted

Background

- 1 This report provides details of formal complaints received by Sevenoaks District Council during the period 1st April 2010 to 31st March 2011. It includes information from the Local Government Ombudsman's (LGO) annual letter. Complaints data is viewed by the Council as providing a useful tool to highlight specific concerns, assist in the identification of trends and act as a guide to which remedial action may be required.

Introduction

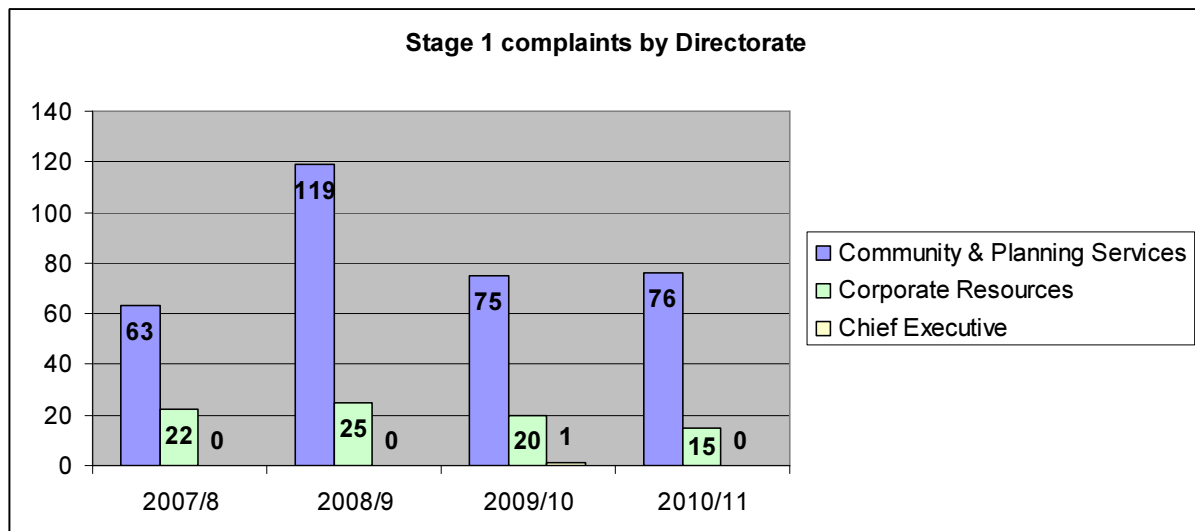
- 2 The Council's formal complaints procedure defines a complaint as '*any expression of dissatisfaction with our services whether justified or not*'. If a customer is contacting the Council for the first time regarding assistance for a Council service then this will be dealt with as a request for service. The complaints process will be used if a customer specifically states they would like us to follow the "complaints process" and/or they make reference to items from within the formal process (e.g. Stage 1) or the customer is contacting us for a second time regarding the same matter and wishes to make a complaint.
- 3 The procedure is based on a two-stage internal process. If complainants are still dissatisfied with the outcome after both Stage 1 and Stage 2, they can then request the Local Government Ombudsman investigate at Stage 3. The following graph compares the number of complaints received in 2010/11 with those in the previous four years.



- 4 The Council recorded a total of 137 complaints for 2010/11 across all three stages of the complaints procedure. Of the 91 complaints received at Stage 1 66% were resolved at that stage and 18% chose to continue to Stage 2 of the complaints process. 16% of the total complainants contacted the Local Government Ombudsman.

Stage 1 complaints

- 5 Stage 1 complaints involve an investigation carried out by the relevant Service Manager and the reply being sent by the Head of Service. A response must be sent within 15 working days of the acknowledgement



- 6 There has been a slight reduction in the number of stage 1 complaints received this year, although there was a slight increase in complaints for Development Services, Housing and Parking & Amenities.

Stage 1 Complaints received - Chief Executive		
	2009/10	2010/11
Chief Executives (Inc. Leaders)	1	0
Communications	1	0
Policy & Performance	0	0
Total	2	0

Stage 1 Complaints received - Community & Planning Services		
	2009/10	2010/11
Building Control	1	1
Community Development	3	2
Development Services	25	29
Direct Services	21	17
Housing	4	7
Environmental Health	8	5
Licensing	1	1
Parking & Amenities	12	14
Policy & Environment	0	0
TOTAL	75	76

Stage 1 Complaints received - Corporate Resources		
	2009/10	2010/11
Benefits	3	0
Committee Services	0	0

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Customer Services	1	1
Electoral Services	0	0
Exchequer	0	0
IT	0	0
Legal	0	0
Local Tax	15	13
Personnel	0	0
Property	1	1
TOTAL	20	15

- 7 As in previous years Development Services consistently attracts the highest number of complaints for Community & Planning Services and Council Tax attracts the highest amount of complaints for Corporate Resources. Chief Executives Directorate received no complaints this year.
- 8 Looking at the main reasons for complaining out of the total of 91 Stage 1 complaints for the year, 26% complained about employee behaviour (which was a 15% increase from the previous year). 15% were dissatisfied with Council policies or the way they had been carried out, slightly down from 17% in 2009/10. Also, failure to consider relevant matters accounted for 14% of the complaints How complaints were received.
- 9 Over the last few years it is evident that customers are starting to move initiating their formal complaint from forms / letters to email.

	2008-09	% of total	2009-10	% of total	2010-11	% of total
Letter	52	36	26	27	26	29
Phone	42	29	32	33	26	29
Email	37	25	25	27	30	33
Leaflet	11	8	11	11	5	5
Face to Face	1	1	1	1	4	4

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Fax	1	1	1	1	0	0
Total	144		96		91	

10 In 2010/11 of the 91 Stage 1 complaints, 36 were found to be not valid with 18 complainants making incorrect claims, 16 making unrealistic claims, 1 contacted the wrong organisation and 1 went through the incorrect process. 47 complaints were given partial consideration/consideration with no local settlement and 8 complaints were given partial consideration with local settlements agreed. The following chart shows the outcome of complaints by Directorate:

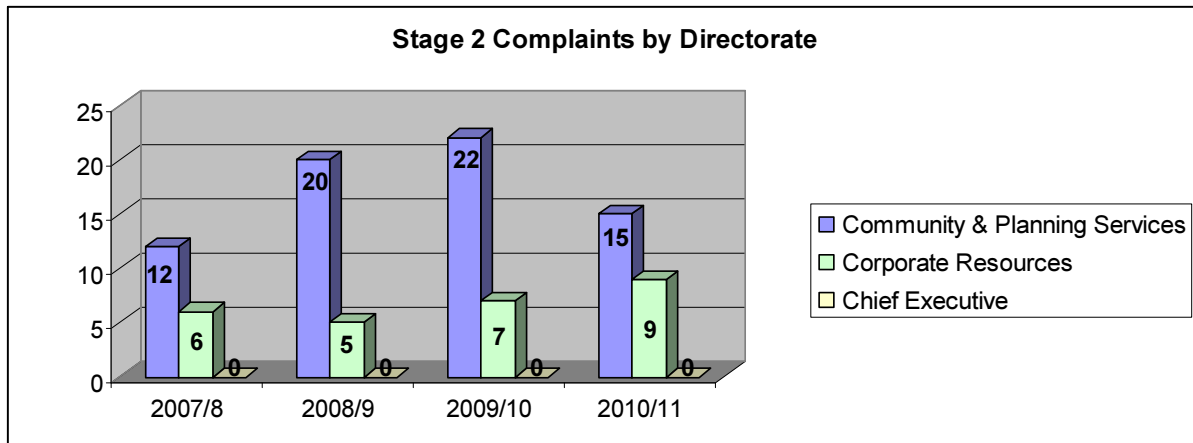
	Community & Planning	Corporate Resources	Chief Executive	Total
Complaint invalid	28	8	0	36
Complaint given partial consideration – no local settlement	8	2	0	10
Complaint given partial consideration – local settlement	0	0	0	0
Complaint given consideration – no local settlement	35	2	0	37
Complaint given consideration – local settlement	5	3	0	8
Total	76	15	0	91

11 Training and knowledge issues, and the need for system and procedure changes were identified in the analysis of lessons learnt.

12 One financial compensation payment was made at Stage 1. Council Tax charges totalling £49 were refunded to the customer.

Stage 2 Complaints

- 13 Stage 2 complaints are investigated by a Head of Service independent to the service being complained about and the reply sent from the relevant Service Director on behalf of the Chief Executive. A response must be sent within 20 working days of the acknowledgement.
- 14 Stage 2 Complaints received by Directorate:



- 15 There has been a 17% reduction in the number of Stage 2 complaints received overall and this is evident for Development Services, although there has been an increase in Council Tax complaints compared to last year.

Stage 2 Complaints received – Community & Planning Services		
	2009/10	2010/11
Development Services	13	9
Environmental Health	2	1
Parking & Amenities	5	4
Direct Services	2	0
Building Control	1	0
Housing	0	1
Total	22	15

Stage 2 Complaints received – Corporate Resources				
	2009/10	% of total Corporate Resources Stage 2	2010/11	% of total Corporate Resources Stage 2
Property	0	-	1	11
Local Tax	5	71	8	89
Benefits	2	29	0	-
Total	7		9	

- 16 The main reasons for complaining at Stage 2 included failure to consider relevant matters (35%); dissatisfaction with Council policies (21%) and employee behaviour (10%). Email and letter were the most widely chosen method for complaining at Stage 2.
- 17 12 out of the 24 Stage 2 complaints were found to be invalid with 10 making an incorrect claim and 2 making unrealistic claims. 8 complaints were given partial consideration/consideration with no local settlements and 4 complaints were given partial consideration/consideration with local settlements agreed.
- 18 In respect of valid complaints, the lessons learnt highlighted training / knowledge issues and there were recommendations for procedure changes.
- 19 There was one financial compensation payment made at Stage 2 for £175. Bank charges incurred by the customer were refunded as a goodwill gesture by the Corporate Resources Director for a Council Tax complaint.

Stage 3 – Local Government Ombudsman

- 20 The Local Government Ombudsman is made up of an Advice Team and an Investigation team. The Advice Team dealt with 22 enquiries and complaints this year which was an increase of 7 from the previous year. Of the 22 enquiries and complaints received, 4 were premature and so were referred back to the Council for investigation within it's own Complaints process. Advice was provided on a further 3 enquiries on Planning and Committee issues. The Ombudsman Advice Team forwarded 15 complaints to the investigation team, an increase of 6 from the previous year. Planning and Building Control accounted for a large majority of the enquiries and complaints received.

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	Enquiries and complaints received 2010	Enquiries and complaints received 2011
Formal/Informal premature complaints	3	4
Advice given	2	3
Total	5	7
Forwarded to investigation team (resubmitted)	2	0
Forwarded to investigation team (new)	7	15
Total received	14	22

21 Complaints and enquiries received by Service Area:

Service area	2008/9	2009/10	2010/11
Benefits	-	1	-
Local Tax	1	3	4
Planning & Building Control	11	9	9
Environmental Health	-	1	1
Housing	2	-	3
Parking & Amenities	1	1	3
Committee	-	-	2
Total received	15	15	22

22 Complaint outcomes:

Complaints Determined by Ombudsman	2008/9	2009/10	2010/11
Total no of Complaints Determined	16	9	17
Decisions			
	2008/9	2009/10	2010/11
Local Settlements	-	-	1
No or Insufficient evidence of maladministration	9	3	10
Closed at Ombudsman's discretion	6	2	2
Outside jurisdiction	1	4	4
*Premature complaints	2	3	4

**Premature complaints were referred back to the Council for consideration*

It should be noted that the number of complaints received by the Ombudsman will not always be the same as the number of decisions made as some complaints are received in one year and a decision taken in the next financial year.

- 23 A "local settlement" is a complaint where, during the course of the investigation, a Council takes or agrees to take some action that the Ombudsman consider to be a satisfactory response to the complaint. Of the complaints decided against Sevenoaks District Council, one resulted in a local settlement being reached for Democratic Services. The Ombudsman considered there had been an administrative fault on the part of the Council which led to injustice to the complainant. The Council's mistake was in the wording of the letters sent to the complainant. The Council agreed to apologise for the inaccuracy and the Ombudsman concluded this to be a reasonable settlement of the complaint.
- 24 The Ombudsman decided 17 complaints in the year, 8 of which were complaints about Planning matters. 3 regarding Local Tax and Benefits, 3 for Transport and Highways and 2 regarding Housing matters. This year the Ombudsman has changed their annual review letter. Not every Local Authority received a detailed tailored letter as in previous years and this was driven by the number of reports issued by the Ombudsman. No reports were issued against Sevenoaks District Council this year so no tailored letter was received.

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- 25 No compensation payments were made by Sevenoaks District Council at Stage 3.
- 26 The average time taken by the Council to reply to written enquiries was 26 days, well within the LGO target time of 28 days. The following chart shows Sevenoaks District Council's response times for the previous 5 years:

Year	Average number of days to respond
2010/2011	26.0
2009/2010	25.0
2008/2009	31.9
2007/2008	24.8
2006/2007	35.3

27 **Comparison to other Kent Councils**

Local Authority	Complaints received (2010/11)	Response times
Ashford Borough	33	27.3
Canterbury City	36	24.3
Dartford Borough	12	25.7
Dover District	36	18.3
Gravesham Borough	32	19.7
Kent County Council	194	31.6
Maidstone Borough	35	26.8
Medway	104	24.7
Sevenoaks District	22	26
Shepway District	36	35.2

Swale Borough	24	19.8
Thanet District	29	24
Tonbridge and Malling BC	13	4
Tunbridge Wells Borough	17	35

Source: Local Government website

Learning from Complaints

- 28 The focus over the coming year is to continue improvements in monitoring of complaints and to ensure that lessons are identified and implemented. Attention will be directed to encourage and further develop the lessons learnt culture which has been introduced, and to create opportunities to share information across service areas ensuring resulting in service improvement across the Authority.

Key Implications

Financial

- 29 The Council made minimal financial payment as compensation in 2010/11 to resolve Stage 1 and 2 complaints and none at Stage 3. Any such payments are met from within the relevant service budget.

	Compensation £			
	2007-8	2008-9	2009-10	2010-11
Stage 1	200	103.6	70	49
Stage 2	0	0	0	175
LGO	6095	0	0	0

Community Impact and Outcomes

- 30 The Complaints process is designed to be used to feedback any issues arising to Service Managers so that service improvements can be made.

Legal, Human Rights etc.

- 31 The complaints process meets all legal requirements, and recognises Human Rights through the comprehensive 3 stage process.

Conclusion

- 32 The Complaints process is accessible and allows customers and residents to formally raise issues in their dealing with the Council. Overall there is no indication that there is any major problem area within service operations, and

the process is viewed as providing a useful tool to highlight customer concerns, assist in the identification of trends and identify where procedural or training improvements can be made.

Risk Assessment Statement

- 33 The complaints process gives good opportunity to identify and deal with any service problem from a customer perspective. The operation of the system is subject to external rigorous appraisal by the LGO Stage 3 processes. This and the performance results of the last year indicate that the current system is working well.

Background Papers: Lagan CRM System (Complaints data), LGO annual letter

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