



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Resources
<b>LEAD OFFICERS:</b>	Director of HR, Legal and Corporate Services
<b>DATE:</b>	13 December 2018

<b>PORTFOLIO/S AFFECTED:</b>	ALL
<b>WARD/S AFFECTED:</b>	All
<b>KEY DECISION:</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

**SUBJECT: CORPORATE COMPLAINTS MONITORING REPORT 1<sup>st</sup> APRIL 2017 – 31<sup>st</sup> MARCH 2018**

## 1.1. EXECUTIVE SUMMARY

The monitoring information in this report sets out the complaints and compliments received by the Council for the period 1st April 2017 to 31st March 2018. This information has been compared to data collected from previous years to allow reasonable comparison.

## 2. RECOMMENDATIONS

That the Executive Board notes the report.

## 3. BACKGROUND

Corporate annual reports will be produced which consist of a brief summary of all feedback received. Detailed analysis of service feedback will also be produced for individual Departments for discussion at departmental management teams.

It can be easy to view complaints in a negative light. However, at the Council, we take the view that effective monitoring of the messages provided through a complaints handling process is an absolutely essential way for a modern organisation to learn and improve the way it works.

It is extremely important for a public service provider like the Council to be mindful, at all times, of the feedback our service users provide. The challenge for us as a Council going forward is to encourage our staff to embrace the positives from effective complaints handling. We must ensure that our monitoring processes examine the reasons behind complaints and, wherever possible, avoid these arising again. We must also seek to understand and share good practice so it can be repeated.

A target to reduce the number of complaints is not necessarily a good thing. A low level of complaints could indicate an invisible, inaccessible or unusable complaints procedure. A drop in complaint numbers could be indicative of a general lack of confidence in the process. The important information is the outcome, and not necessarily the numbers received.

An important part of handling complaints effectively is to take time to develop a better understanding of the information our customers/residents tell us. As a Council we should be committed to:

- Identify service failures and take appropriate action;
- Identify where services need to improve;
- Identify poor complaints handling practice and put it right;
- Examine good practice and understand how we might repeat it in other areas;
- Identify trends in complaints and proactively address any issues.

The Council has a 2 stage formal complaints process;

Stage 1 – departmental investigation, and

Stage 2 – corporate review.

Before a complaint can be investigated by the Ombudsman's office, the investigating officer has to be satisfied that the Council has had the opportunity to resolve the complaint. This is not always possible with all cases and the school appeals complaint is one example. Due to the urgent nature of these complaints, they are not required to follow the Council's formal process and can request an automatic escalation to the Ombudsman, hence why the Council is not able to resolve these sooner.

For Adults and Children's complaints we follow a statutory complaints procedure which is a separate jurisdiction to the formal corporate complaints policy. There is a 3 stage process to follow for those complaints that are eligible under the Children's statutory complaints procedure (section 27 of the Children Act 1989) before the complainant can escalate their complaint to the Ombudsman.

The monitoring information is collected by the Corporate Complaints Team using Sharepoint and Respond database for all Adults and Children's complaints.

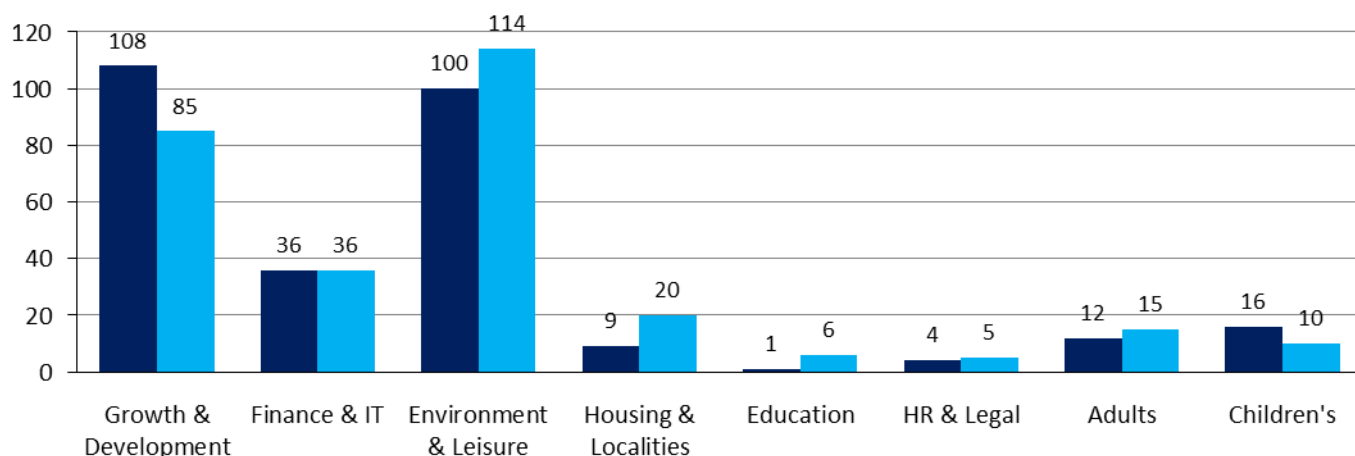
## **MP Enquiries**

The complaints team have taken over the function of dealing with all MP enquiries centrally since October 2017, which enables the team to monitor the levels and types of enquiries received. This data can be used to inform departments on how we can support MP's offices in finding quicker resolutions/answers to their queries.

During the reported year the Council recorded 291 MP enquiries, which shows only a slight increase from the previous year. Please note that this information has only been recorded accurately since October 2017 so we may well have received more enquiries that have not been previously recorded.

## MP Enquires

■ 2016/17  
■ 2017/18



## Compliments

The Council recorded 220 compliments in the year from April 2017 to March 2018, this is a decrease of 30% from the previous year. Departments have been encouraged to record compliments about Council services to help share good practice and recognise excellent services provided by our staff.

It is worth noting that compliments have seen an average of 25% reduction year on year. This could be indicative of lack of customer satisfaction given the pressures within most departments.

## Complaints

### Definition of a complaint

*An expression of dissatisfaction with the standard of service provided by the Authority, or with something the Authority or a member of its workforce may or may not have done.*

### For example:

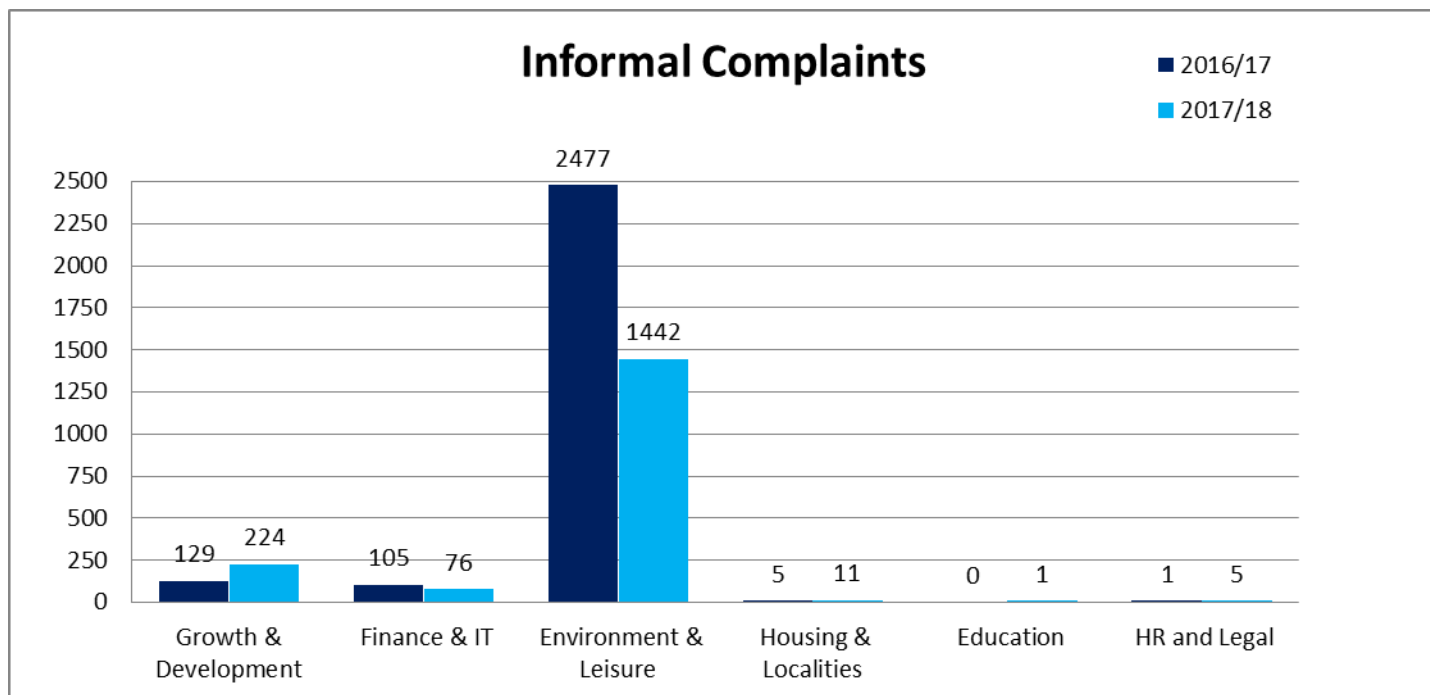
- *We do not deliver a service on time;*
- *We give incorrect information;*
- *We wrongly or inconsistently apply Council policies;*
- *We failed to consult properly with, or listen to people on issues that affect them;*
- *The customer has received a poor quality or inappropriate service; or*
- *The customer is unhappy with the actions or conduct of a member of staff.*

Our aim is to resolve all enquiries at the first point of contact. That means the Council officer who first receives the complaint should make all attempts to resolve the problem to the customer's satisfaction. If this is not possible, the officer should ask the customer if they wish for their complaint to be taken through the formal stages outlined below. The complaint will be dealt with promptly, with courtesy and efficiency, and taken very seriously. The customer can expect to receive a high quality service when they contact any member of staff.

Informal complaints and stage 1 (formal) complaints are investigated and responded by individual departments (Service Managers) and supported by the corporate complaints manager in line with the current policy.

We have recorded 1759 informal complaints for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018; this is a 35% reduction from the previous year. This is a significant reduction; however it is worth noting that we received a very high volume of complaints in 2016 due to changes in bin collection. Two changes were made around the same time (October 2016). Residents within rural areas of the Borough were allocated a dedicated bin collection point at the end of their lanes, and borough-wide bin collection changed from weekly to fortnightly.

We see a decrease in Housing Benefit complaints since the introduction of Universal Credit, and a reduction in fly tipping complaints for the reported year. We also see a significant reduction in parking services complaints since the introduction of the new parking meters. The old meters had weathered and were causing significant issues for people trying to get a ticket.

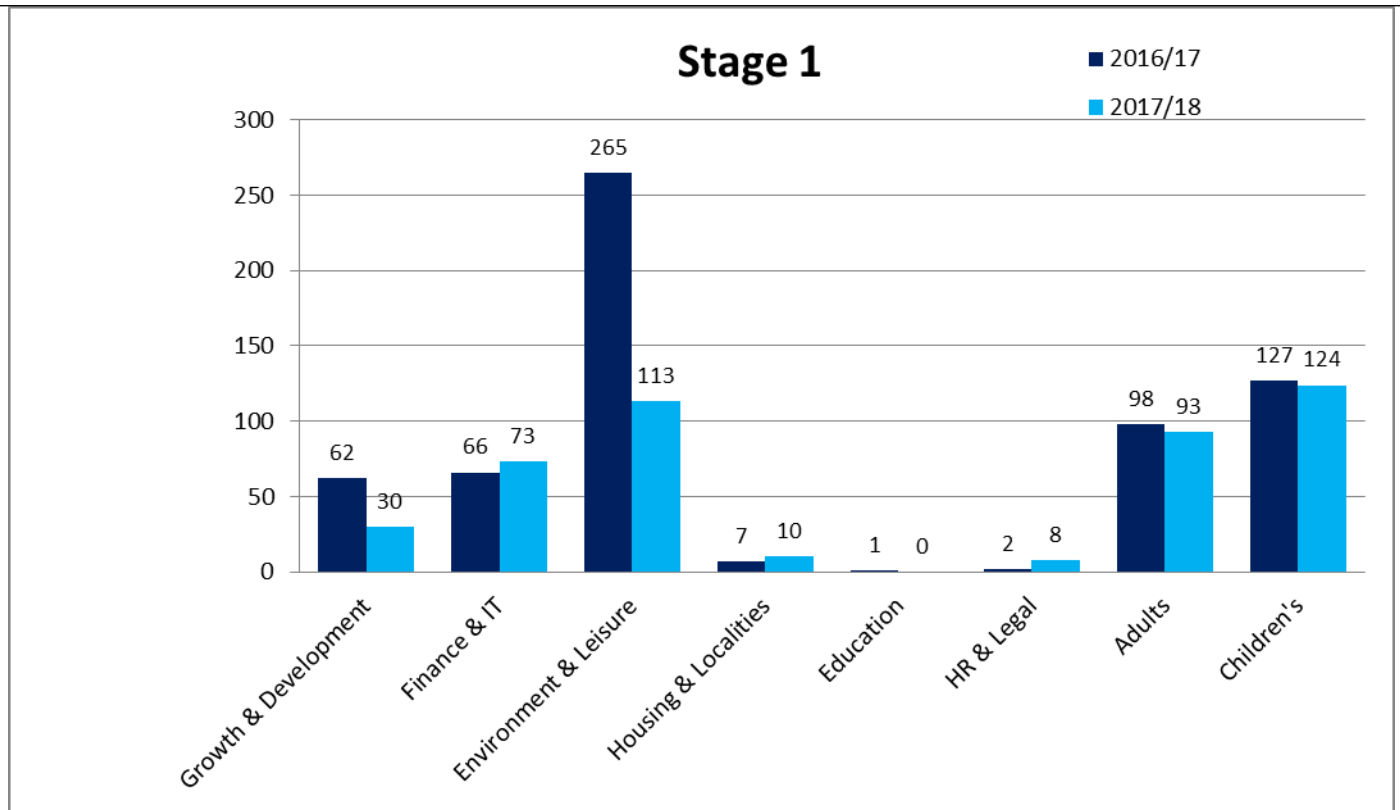


Formal Stage 1 complaints have also seen a 42% reduction for the reported financial year. The Complaints Team have recorded 234 non statutory Stage 1 complaints compared to the 403 received in the previous year. This reduction is attributed to the spike in complaints in 2016 with waste collection changes in Environment.

Another area where we have seen a reduction in formal complaints is within Highways due to pothole repairs around the Borough.

It is worth noting that from the informal complaints recorded; only 13% of these escalated their complaint to the formal process. From the 234 Stage 1 complaints received, only 26 complaints were upheld. For the upheld complaints, further service provisions have been made to correct our errors, apologies provided and service improvement put in place to avoid repetition of similar complaints.

The graph below shows all Stage 1 complaints received by Department during the reported period compared to the previous year.



The quality of the investigations carried out at stage 1 (departmental level) and the action plans developed following an investigation is monitored and improved by random sample checking of 10% of investigations and responses by the Corporate Complaints Team.

The Corporate Complaints Team is working hard to improve access for customers when they wish to complain by:

- Making it easier for customers to complain when they wish to do so;
- Resolving the complaint as well as we possibly can at first contact;
- Using root cause analysis to minimise reasons for complaints; and
- Learning from every complaint.

### Statutory Complaints

The Children Act 1989 defines the representations procedure as being for 'representations (including complaints)'.

Our complaints procedure ensures that children and young people who make representations have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally.

The complaints procedure is a useful tool for indicating where services may need improving. It is a positive aid to inform and influence service improvements, not a negative process to apportion blame.

The overall number of complaints recorded for Children's Services (social care) has reduced slightly from 129 (recorded in 2016/17) to 124 recorded for the reported year. The percentage of complaints that are being resolved at stage one remains high at 97% with Managers working with complainants at stage one and reaching an early resolution.

Only 2 complaints escalated to Stage 2 of the Statutory Complaints Procedure (independent investigation) in this monitoring period. This is the same as the previous monitoring period. Both complaints went on to be reviewed at stage 3 of the complaints procedure.

The overall number of complaints recorded for Adult Services has seen a slight reduction in the number of complaints during this monitoring period from 100 in the previous 2 years to 93 in this reported period.

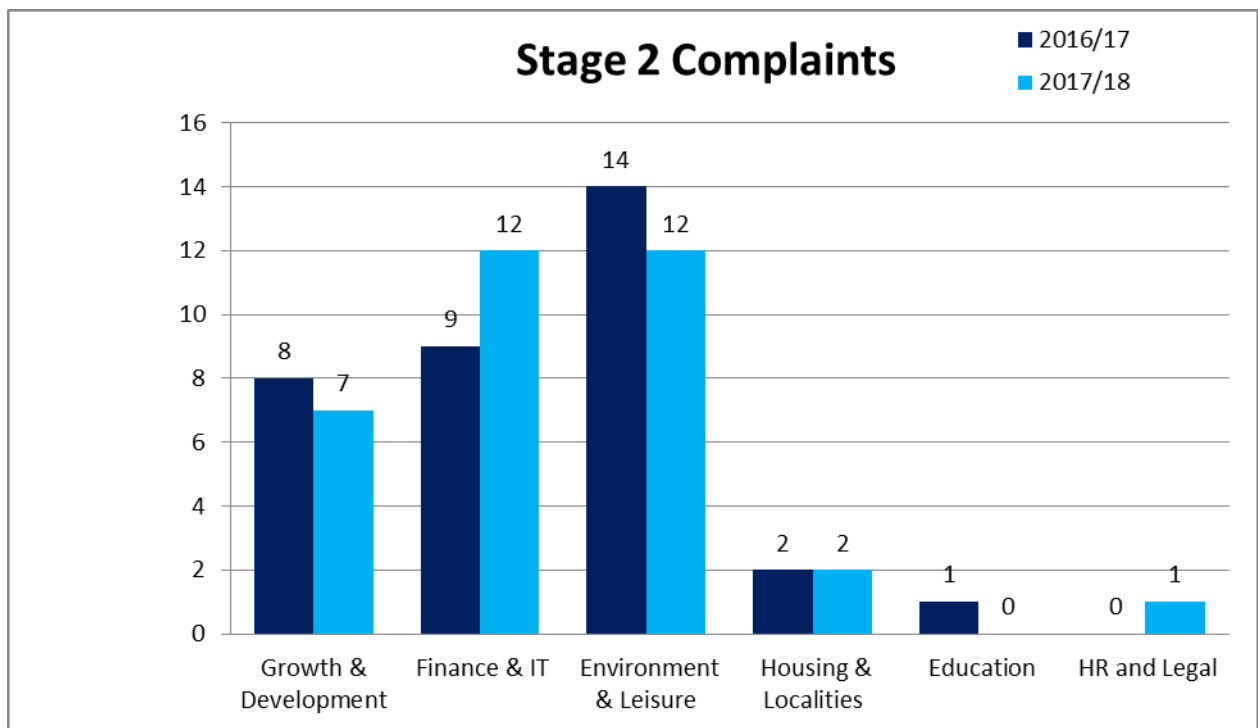
Efforts continue to be made to ensure service users and carers are fully aware of the ways that complaints and representations can be made.

### Stage 2 and The Local Government Ombudsman

All stage 2 and Local Government Ombudsman complaints are investigated and concluded by the Corporate Complaints Manager.

The Corporate Complaints Manager received 34 requests for a Stage 2 review for the reporting period, this is a 13% decrease from previous years.

The Corporate Complaints Manager has been working quite closely with Service Managers and Heads of Service to resolve complaints at earlier stages. Managers have also been supported to liaise with complainants at the earliest stage of their complaint to find a local resolution, by meeting them face to face.



For the 34 complaints investigated at stage 2, only 6 complaints were upheld. For the 6 upheld complaints, outcomes included apologies, reimbursement of fees, an offer of time and trouble compensation, and other service provisions. Service improvement mechanisms have also been put in place to ensure that we learn from the complaints and avoid repetition of the same issues.

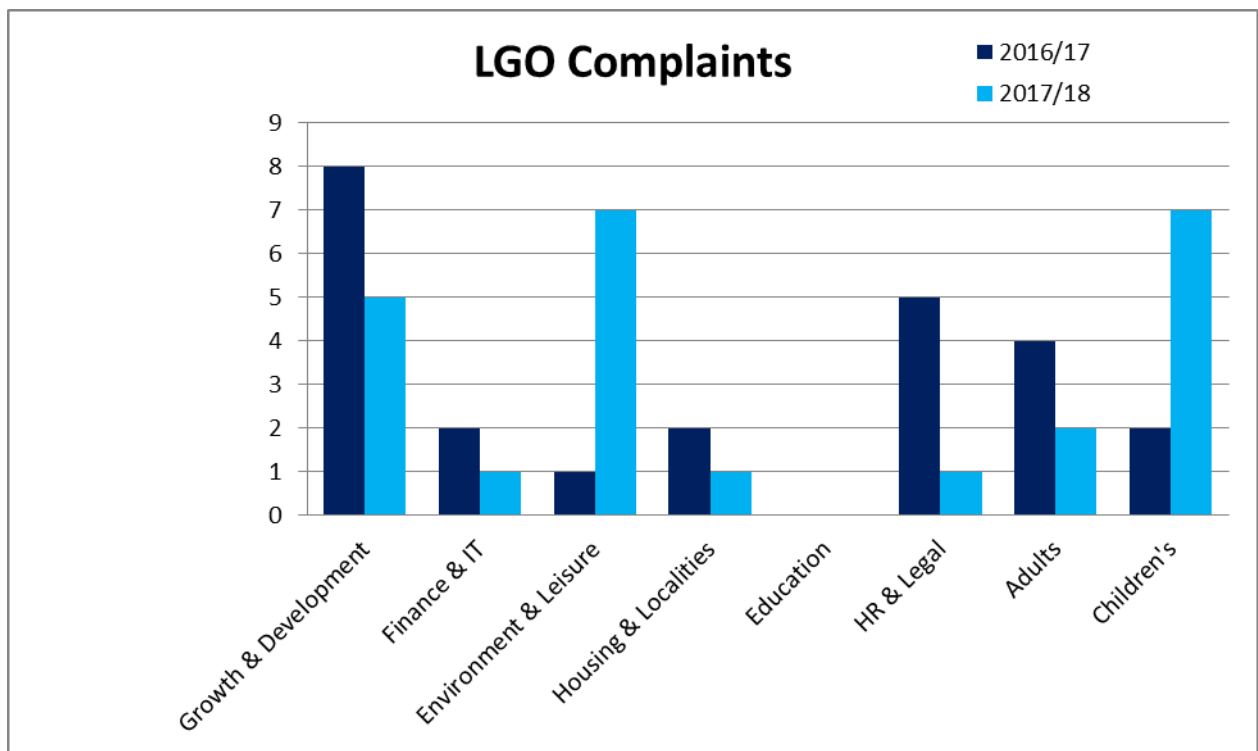
In recent years the Ombudsman's office have started providing information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year they have provided additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

They now provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where their recommendations remedied the fault and the number of cases where they decided whether or not the authority had offered a satisfactory remedy during the local complaints process. In these latter cases the LGO provide reassurance that the Council had satisfactorily attempted to resolve the complaint before the complainant approached them. In addition, they provide a compliance rate for implementing their recommendations to remedy a fault.

The tables included in the Ombudsman’s review letter presents the number of complaints and enquiries received and the decisions they have made about the authority during the reported period.

The Local Government Ombudsman in his report states that he received 37 complaints for Blackburn with Darwen Council in the reported year. This is a 20% decrease from the previous year 2016-17. The Ombudsman found fault with only two of the cases that they investigated this year compared to the nine from last year.

It is worth noting that given the number of complaints received by the Council, only 1.5% of these complaints have escalated their complaint to the Ombudsman.



From the 37 complaints received by the LGO, only 24 complaints were forwarded to the Council for further investigation, as detailed in the above table.

The two complaints that the LGO found fault with are as follows:

**16011488 – Complaint against Planning**

Mr Z complained that the Council:

- a) Failed to impose a planning condition to limit the use of the car park next to his home in 2009;
- b) Failed to ensure the plan the applicant sent to meet the parking condition reflected the number of spaces applied for;
- c) Failed to consult affected residents when the applicant sent the parking plan;
- d) Acted in a biased way with its own application giving inadequate weight to neighbour amenity.
- e) Unfairly failed to enforce the approved parking plan and reduce the number of marked spaces accordingly.

f) Through its councillors, treated him unfairly.

**LGO decision:**

Mr Z found out Car Park A was bigger than the 2009 permission said. The Planning manager recognised the Council had not investigated this issue in July 2016. Officers investigated the plans and the site history evidence and the planning manager agreed the school had not followed the planning permission. These actions were without fault.

The Council's decision about what enforcement action it could or would take about Car Park A being larger and the steps officers took are unclear and have been delayed since August 2016. The Council had not explained why the school could apply for a lawful development certificate after four years when a condition has been breached. Nor had it set out why it would ask the school to make a section 73 application rather than carry out the landscaping and layout plans the planning committee approved. If the Council had reached a view about expediency already this should have been set out to Mr Z.

The Council should have opened an enforcement record in August 2016 to record its actions and decision and the reasons for them. The Council should hold records of the reports of breaches of planning control it receives, not just record those reports it decides are expedient for it to take action. These were faults.

Mr Z was put to undue time and trouble to contact the Council many times and to complain to the Ombudsman. He continued to suffer uncertainty about what would happen as the Council had delayed decision making and action for 11 months.

**Remedy:**

- a) Seek legal advice about the nature of the breaches and the options for enforcement action. The Council has now sought advice.
- b) Reach a decision about whether it is expedient to enforce the breach of planning control and if appropriate the action it intends to take. The Council has done this.
- c) Tell Mr Z, the school and the Ombudsman. The Planning Team has done this.
- d) Review its process for recording reports of breaches of planning control and how they are progressed and send an update to the Ombudsman. The Council confirmed planning officers now know they must pass all enforcement matters to enforcement officers for a decision and recording.

The Council would, within six weeks of the final decision, apologise to Mr Z and pay him £250 to remedy his distress, frustration and time and trouble as a result of faults by the Council.

**Service Improvement measures:**

Review our processes for recording reports of breaches of planning control and how they are progressed. Our planning officers are now fully aware that they must pass all enforcement matters to enforcement officers for a decision and recording.

**17001881 – Complaint against Children's Services**

Mr & Mrs X complained that the Council, when responding to the family's request for funding an extension into their loft space failed to:

- Properly consider the complainants' request for support in creating a loft extension to provide bedroom space for their nephews following a Special Guardianship Order;
- Issue an accurate Regulation 16 Order;
- Follow up on the recommendations made by the independent investigator in the report issued at Stage 2 of the Council's complaints procedure.



The complainants, Mr and Mrs X, said the failings delayed their plans to provide bedrooms for their nephews now living with them under a Special Guardianship Order. Leaving the family living in crowded conditions.

**LGO decision:**

The Council did not accept that the family needed a fourth bedroom whether that was within the loft or 'extension'. The LGO found fault in its failure to visit the property and properly inspect the available rooms and the adequacy of the extension before putting the proposals in the Regulation 16 Notice. The LHO agreed with the Stage 2 Investigator's findings and also found fault in the Council's failure to:

- Invite the boys to say what they preferred and why;
- Examine the rooms;
- Examine the extension. This has a single brick external wall and may not have enough insulation and weather proofing for a bedroom;
- Take advice from Building Control and share that advice with the family;
- Consider whether the under 10s as children moving in with a new family (though related) needed separate rooms or could have enough personal space in any shared room;
- Consider the history of Mr and Mrs X's son and his emotional attachment to the room shared with his late brother and the possible negative impact on future relations with the nephews and on their future well-being;
- Share with Mr and Mrs X and the Stage 2 investigation its viability report (after the legal proceedings) showing why the Council could not support a loft room;
- Provide a full explanation about why the Council could not give a loan. And consider offering to put the loan application to councillors or Cabinet member as an exception to normal policy and take their views on whether the family should receive support.

Before proposing using the extension as a habitable room rather than a loft extension a more robust assessment should have been carried out. Before the Stage 2 Report only the independent investigator had seen the extension and nobody had officially assessed its capacity.

The LGO found no fault in the Complaint's Panel's review of the complaint procedure. The Panel had all the relevant information including Mr and Mrs X's views when it decided not to uphold the complaint. However, LGO took a different view of that complaint and believe the faults identified in this investigation led to avoidable distress, inconvenience and doubt for the family. The LGO therefore upheld the complaint.

**Remedy:**

To remedy the injustice, the Ombudsman recommended that the Council:

- Apologised to Mr & Mrs X;
- Review its decision on a loft room considering only the Fostering Standards and having spoken with the children about the proposals;
- Review whether it could provide a loan, and consider if it should take the loan application to councillors or Cabinet Member for a decision on whether to provide financial support as an exception to usual policy;
- Signpost the family to any charitable institutions who may provide funding as either a grant or loan to enable them to extend into the loft;
- Pay Mr and Mrs X £200 in recognition of the extra time and inconvenience caused by the failings identified in their investigation.

The Council agreed to these recommendations and put to its Lead Member for Children's Services a recommendation for the Council to fund a loft extension for the family. The Lead Member agreed to fund the loft for the family.

The Local Government Ombudsman's office share the issues they find in their investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. They

do this through the reports and other resources they publish. Over the last year, they have seen examples of Council's adopting a positive attitude towards complaints and working constructively with them to remedy injustices and take on board the learning from our cases.

### **Service Improvement**

Information on identification and implementation of improvements resulting from complaints is helpful as a means of managing performance and recognising the contribution complaints make to service improvement.

During the reported period the Corporate Complaints Manager has issued guidance notes to record all action taken including service improvements for each upheld complaint. This is to ensure that action is taken to prevent the issue arising again for the individual or anyone other service user. This also ensures that a pattern of service improvements can be developed in order to learn from complaints.

### **4. KEY ISSUES & RISKS**

Public Services are under great strain due to continuing budget reductions although we have achieved significant improvements in efficiency. There is a widening gap between public expectations of public services and the money available to provide them.

For the coming year, complaints to the Council will need to be seen in the context of the impact of these changes to the structures of public services, and the Council will continuously review support for our residents.

### **5. POLICY IMPLICATIONS**

There are none arising from the attached report

### **6. FINANCIAL IMPLICATIONS**

There are none arising from the attached report

### **7. LEGAL IMPLICATIONS**

There are none arising from the attached report

### **8. RESOURCE IMPLICATIONS**

There are none arising from the attached report

### **9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Ombudsman's Office  
Service Manager's  
Directors

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Nafisha Master</b>
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<b>DATE:</b>	November 2018
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<b>BACKGROUND PAPER:</b>	Corporate Complaints Policy The Local Government Ombudsman Annual Review Sharepoint database – Corporate Complaints Respond CenterPoint – Social Care Complaints
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