

# EXECUTIVE BOARD DECISION



<b>REPORT OF:</b>	Executive Member for Finance and Governance Executive Member for Digital and Customer Services
<b>LEAD OFFICERS:</b>	Director of HR, Legal and Governance Director of Digital and Business Change
<b>DATE:</b>	14 November 2019

<b>PORTFOLIO/S AFFECTED:</b>	Finance and Governance	Digital and Customer Services
<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 2018 – 31<sup>st</sup> MARCH 2019**

## 1. EXECUTIVE SUMMARY

The monitoring information in this report sets out the complaints and compliments received by the Council for the period 1st April 2018 to 31st March 2019. 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

This is our Corporate annual report for feedback received by the Council for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019. It includes 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 essential way for an 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 elsewhere in the Council.

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 **are** 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 (Corporate);

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 a school appeal 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 the Council is not able to resolve these sooner.

For Adults and Children's Services 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. We have ceased our licensing arrangements with Respond wef 1<sup>st</sup> April 2019, and now using the one system to log and manage all feedback and MP enquiries.

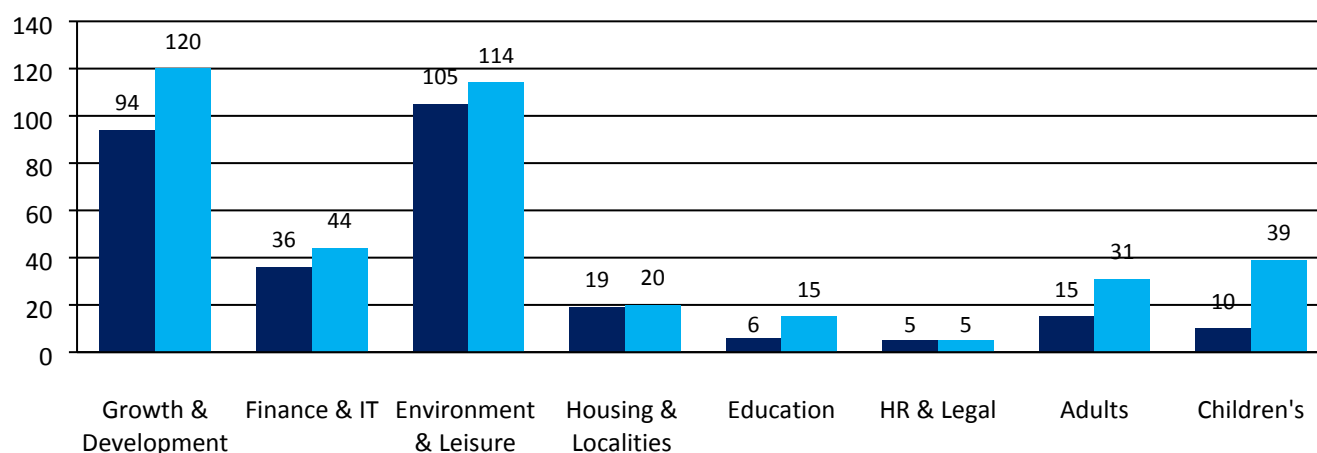
## **MP Enquiries**

The complaints team now deal with all MP enquiries centrally since October 2017, which enables the team to monitor the levels and types of enquiries received. This data is then used to inform departments on how we can support MP's offices in finding quicker resolutions/answers to their queries for constituents.

During the reported year the Council recorded 388 MP enquiries, which shows a 25% increase from the previous year. Please note that last year's 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

■ 2017/18  
■ 2018/19



## Compliments

The Feedback Team has recorded 176 compliments in the year from April 2018 to March 2019, this is a decrease of 20% 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. This means that 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 or Head of Service) and supported by the Complaints Team in line with the current policy.

We have recorded 2324 informal complaints for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019; which is

a 25% increase from the previous year.

We see an increase in Council Tax complaints however, it is worth noting that due to the introduction of 'alternative dispute resolution' there has been a significant decrease in formal complaints within the same area. We are continuously encouraging Manager's to be proactive when dealing with concerns/complaints and aim to discuss and resolve at the earliest opportunity. The Complaints will support and assist with mediation and arrange meetings with complainants as appropriate.

Within the Environment department, there has been a recent marked increase in resident complaints about the doorstep waste recycling service provided by the Council via its contractor Biffa. The majority of these complaints relate to recycle bins not being emptied.

Residents putting non-recyclable material into the recycle bin causes problems for the Contractor as this contamination has to be removed from the recyclates at their sorting plant before the recyclates can then be separated and transferred to the relevant waste recycling plants for treatment. The Council then has to pay for the contaminated materials to be disposed of via landfill or energy from waste plants.

The level of contamination in the recycle bins is high with the contractor having to regularly dispose of up to 40 tonnes of contamination each week. However, in 2019, the level of contamination has increased further to 60 tonnes per week.

Under the terms of the contract, if a recycle bin is contaminated, the contractor can 'sticker' the bin and refuse to empty it until the contamination is removed. In the past month Biffa has taken a stricter approach to contamination in the recycle bin and has 'stickered' significantly more bins than it has previously done.

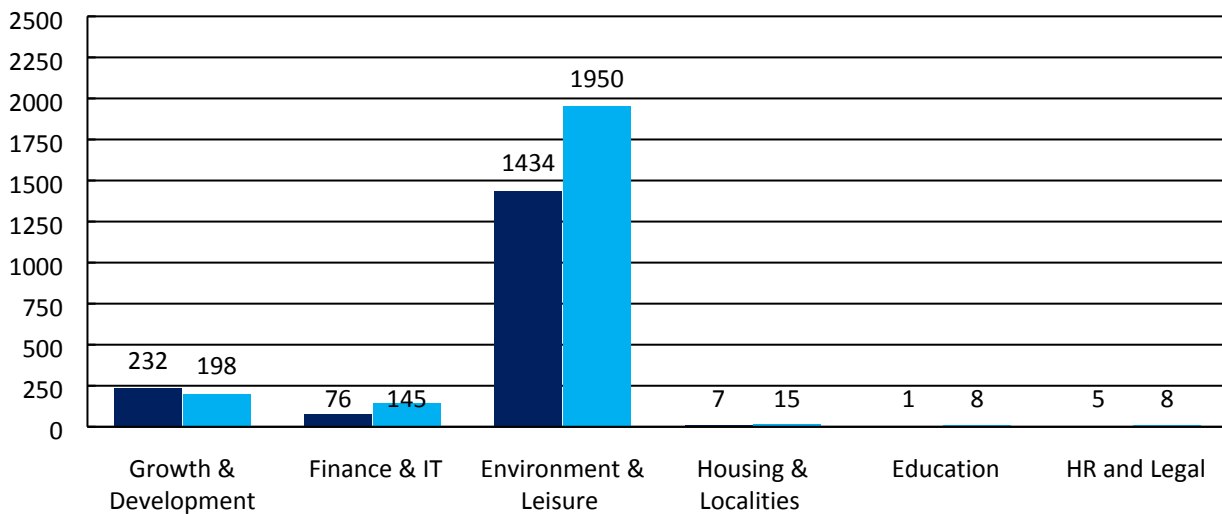
This has led to a significant increase in complaints from residents because their recycling bin has been 'stickered' and not emptied until the contamination is removed. Council officers have inspected many of the bins which were the cause of complaints and in every case the bins did contain non-recyclable material.

Residents have been advised annually with their recycling calendars, on what to put in their recycling bin and what not to put in it. Additionally, the council has provided an online A to Z of items that can be found in the household, which identifies what residents should do with the items.

To enable residents to remove the contamination, fresh plastic sacks have been left at those properties where the bins have been stickered as being contaminated. However, the council has also introduced a service to enable residents who do not wish to separate the non-recyclable items from their recycling bin, to have a Fresh Start, for their recycling bin to be emptied as part of a special collection, for which a charge is made.

## Informal Complaints

■ 2017/18  
■ 2018/19



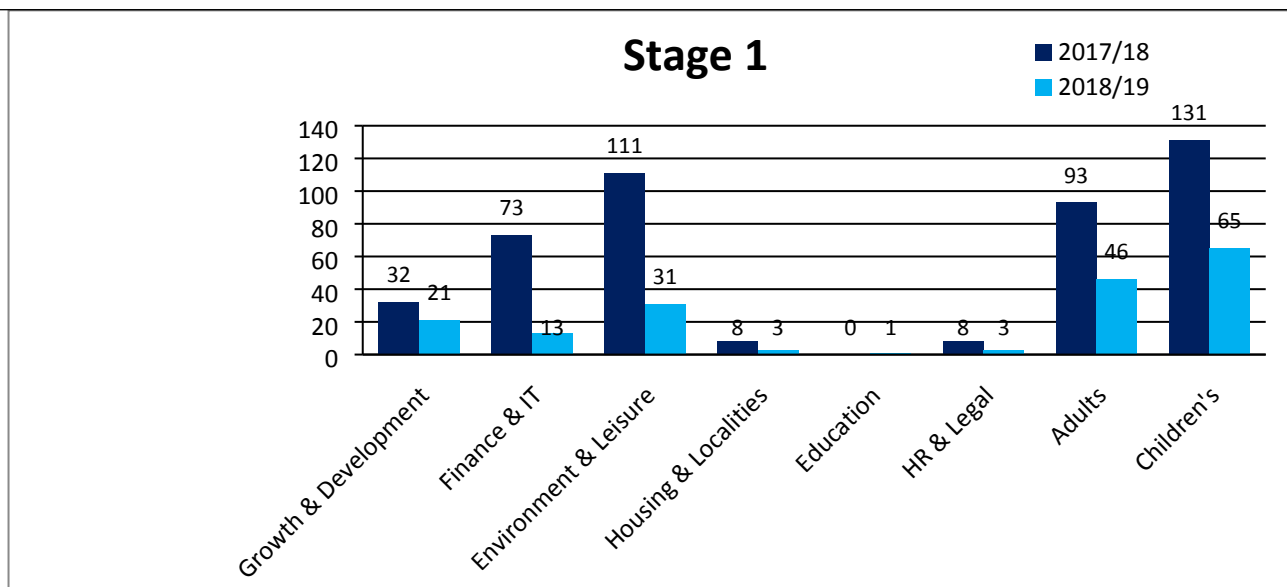
Formal Stage 1 complaints have seen a remarkable 60% decrease in the reported financial year. The Complaints Team have recorded 183 non-statutory Stage 1 complaints compared to the 451 received in the previous year. This reduction is attributed to the dedicated complaints team now working closer with Service Managers and the successful implementation of 'alternative dispute resolution' (ADR).

The advantages of ADR means that its cost effective to the Council, and its less protracted for the complainant when issues are resolved at the earliest stage through the means of mediation, informal discussions, and neutral evaluation.

We are also triaging complaints to ensure that we are managing complaints and issues under the right policy/procedure to ensure that the complainant receives a fair hearing and outcome. This helps speed up the process thus reducing time and trouble.

It is worth noting that from the informal complaints recorded; only 1% of these escalated their complaint to the formal process. From the 72 (non-statutory) Stage 1 complaints received, only 17 complaints were upheld. For the upheld complaints, further service provisions have been made to correct our errors, apologies provided and service improvements 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 significantly from 131 (recorded in 2017/18) to 65 recorded for the reported year. This is because we have changed our approach and processes for dealing with Children's complaints by introducing 'alternative dispute resolution' whereby we make every effort to resolve complaints informally and de-escalate wherever necessary. The Complaints team has been very successful with this approach thus avoiding the need to address complaints at formal stages. In the previous year, 90% of complaints have been dealt with at the formal Stage 1 level, which allowed automatic escalation for a Stage 2 review at a cost to the Council for commissioning Independent Investigators.

For the reported period 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 complainants did not escalate their complaint for a Stage 3 review.

The overall number of complaints recorded for Adult Services has also seen a significant reduction

during this monitoring period, from 93 in the previous year to 46 in this reported period. Only one complaint escalated to Stage 2, and an Independent Investigator was commissioned to carry out the review.

Further details can be found in our Annual Complaints Representation Report for Adults.

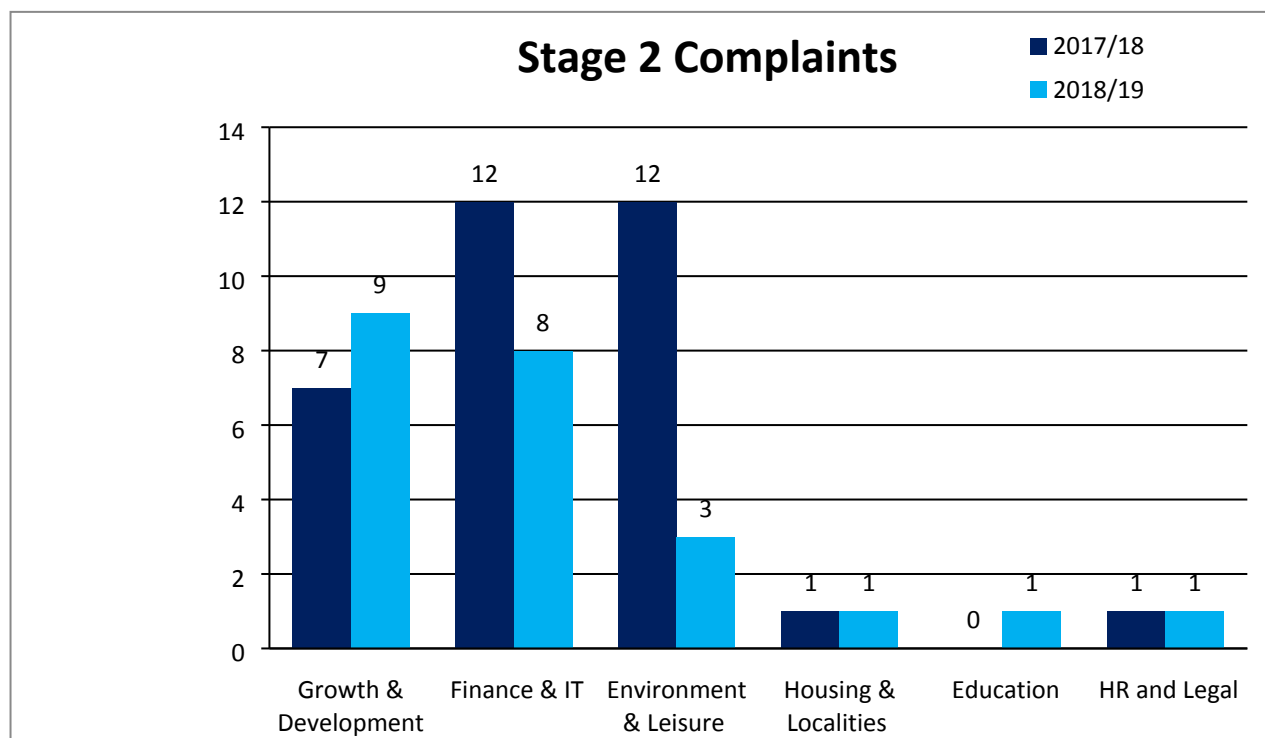
Efforts continue to be made to ensure service users and carers are fully aware of the ways that complaints and representations can be made.

### Stage 2 and The Local Government and Social Care Ombudsman

All Stage 2 and Local Government and Social Care Ombudsman (LGSCO) complaints are investigated and concluded by the Corporate Complaints Manager.

The Corporate Complaints Manager received 23 requests for a Stage 2 review for the reporting period, this is a 32% 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 or discussing options on how we can resolve.



For the 23 complaints investigated at Stage 2, only 8 complaints were upheld. For the 8 upheld complaints, outcomes included the following:

- Apologies;
- recommendation report to EBD;
- explanations;
- review of policies/practices;
- free planning application;
- reimbursement of bailiff costs.

Service improvement mechanisms have also been put in place to ensure that we learn from these complaints and avoid repetition any similar issues.

### Local Government and Social Care Ombudsman

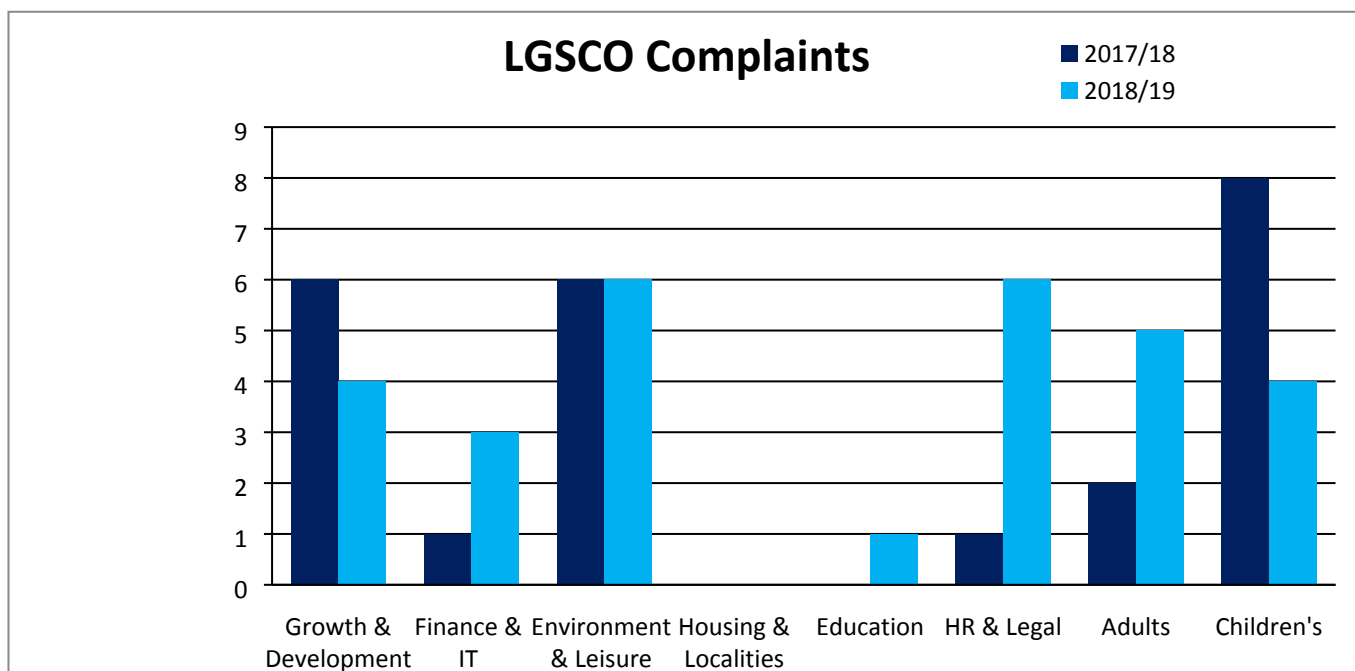
In recent years the Ombudsman’s office is now providing information on the number of complaints upheld and not upheld for the first time. In response to Council feedback, this year they have provided additional information to focus the statistics more on the outcome from complaints rather than just the 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 LGSCO 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 and Social Care Ombudsman (LGSCO) in his report states that they have received 47 complaints for Blackburn with Darwen Council in the reported year. This is a 27% increase from the previous year 2017-18. The Ombudsman found fault with only two of the cases that they investigated in the last financial year.

It is worth noting that given the number of complaints received by the Council, only 2% of these complaints have escalated their complaint to the Ombudsman.



From the 47 complaints received by the LGSCO, only 29 complaints were formally investigated and forwarded to the Council for further information, as detailed in the above table.

The Ombudsman in his report has highlighted 5 cases where they have found fault. I have disputed this with the Ombudsman’s office as our records confirm only 2 cases this year. The Complaints



Manager investigated the other three cases that have been reported, at stage 2 and she had already acknowledged fault and offered remedies which the complainants were not happy with.

The Investigating Officer's at the LGSCO confirmed in their reports that they found the Council's remedies acceptable and appropriate, and recommended to the complainants to accept these. These cases should have been recorded as either, 'local resolution' or 'closed after initial enquiries' as the Ombudsman did not investigate these.

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

### **16019231 – Complaint against Planning**

The complainant, Mrs X, complains about the Council's decision to grant planning permission for decking in her neighbours' garden. She says the Council did not properly consider her amenity and there were mistakes in the process. She is now left overlooking an overbearing development that impacts on the enjoyment of her home and the value of her property.

#### **LGSCO decision:**

**The Council has accepted it should have done things differently in this case.**

Because the breach of planning conditions has been addressed by the most recent planning application, enforcement action is no longer possible to reduce the size of the structure. The proposed screen will create some degree of privacy between the two properties. Mrs X remains unhappy because a large screen creates its own visual impact which she says is far from ideal. Her garden remains affected because of the scale of the development. The Council has already explored possible planting options but these have not been viable. Unfortunately, a solution now relies on the agreement of all neighbours.

It is not now possible to put Mrs X back in the position had the fault not occurred. The injustice in this case is the uncertainty caused by the fault in the planning process. The Investigating Officer cannot say with any certainty that the Council would not have granted planning permission for some kind of decking structure. However, I have found on the balance of probabilities that it would have imposed additional or different conditions to minimise the adverse effect on Mrs X's amenity. It is likely that its scale and impact would have been reduced in terms of height, size or fencing.

#### **Remedy:**

To acknowledge the lost opportunity to protect Mrs X's amenity, the Council agreed with my recommendation to do the following:

- a) Apologise in writing to Mrs X.
- b) Commission the District Valuer to make comparative valuations of the property as it would be:
  - with the decking, reduced in size and height, and screened, to that which would have been approved had the Council properly taken into consideration Mrs X's amenity; and
  - as it was approved in 2016.

c) The Council will pay Mrs X the difference between these two valuations. This was in the sum of £10,200.

49. In addition, the Council will pay Mrs X £250 to recognise the avoidable uncertainty and time and trouble caused by the Council's fault.

#### **Service Improvement measures:**

Due to previous reviews of planning enforcement processes, the LGSCO did not find fault in the way

the Council conducted enforcement. As a result of this complaint, we have reviewed our processes for recording site visits and taking into consideration impact on neighbour amenity where appropriate to do so. The Planning Officers are also taking greater consideration when assessing drawings to ensure that these are clear with regards to size and scale, and challenge where there is ambiguity.

### **180011043 – Complaint against Adults**

The complainant, whom I shall refer to as Miss X, complained about problems with a carer provided by the Council's care agency, Home Care for You Limited Blackburn, and the fact that it continued to send the carer to her after she complained about her. The Care Agency said it did not have another carer available. It said the only other option was for Miss X to accept care from the Council's Crisis Team, if she would not accept visits from their Carer.

#### **LGSCO decision:**

The Care Agency should not have continued to send Carer B to visit Miss X when she said she did not want this. That is fault for which the Council is accountable for. It is clear Miss X preferred to receive visits from the Crisis Team, rather than receive further calls from Carer B which distressed her. Besides, given the comments Carer B made about Miss X, it was not appropriate for her to continue with the visits. The Council needs to apologise to Miss X for the distress caused by the continued calls from Carer B.

#### **Remedy:**

When a Council commissions another organisation to provide services on its behalf, it remains responsible for those services and for the actions of the organisation providing them. So, although the LGSCO found fault with the actions of the care provider, they made recommendations to the Council.

The LGSCO recommended that the Council apologise to Miss X for the fact the Care Agency continued to send Carer B to visit after she complained about her. The Council accepted this and apologised to Miss X.

The Local Government Ombudsman's office share the issues they find in their investigations to help Council's 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.

## **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.

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## 5. POLICY IMPLICATIONS

There are none arising from the attached report

## 6. FINANCIAL IMPLICATIONS

The LGO findings on the Planning complaint has cost the Council £10,450 in compensation for the reported financial year.

The cost of commissioning Independent Investigators and IP's for the two Children's Services Complaints and the one Adult Services Complaint was £7,643.10.

## 7. LEGAL IMPLICATIONS

A complaints process properly administered such as this is vital and serves reduce the risk of unnecessary and costly litigation.

## 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)*

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## 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.

**VERSION:** 1

**CONTACT OFFICER:** Nafisha Master

**DATE:** 9<sup>th</sup> October 2019

**BACKGROUND  
PAPER:** None.