

REPORT TO: Corporate Services Policy & Performance Board

DATE: 3rd November 2020

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Corporate Complaints

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 To provide statistical analysis of those Corporate Complaints received during the 2019 – 20 financial year.

2.0 RECOMMENDATION: That the content of the report be considered.

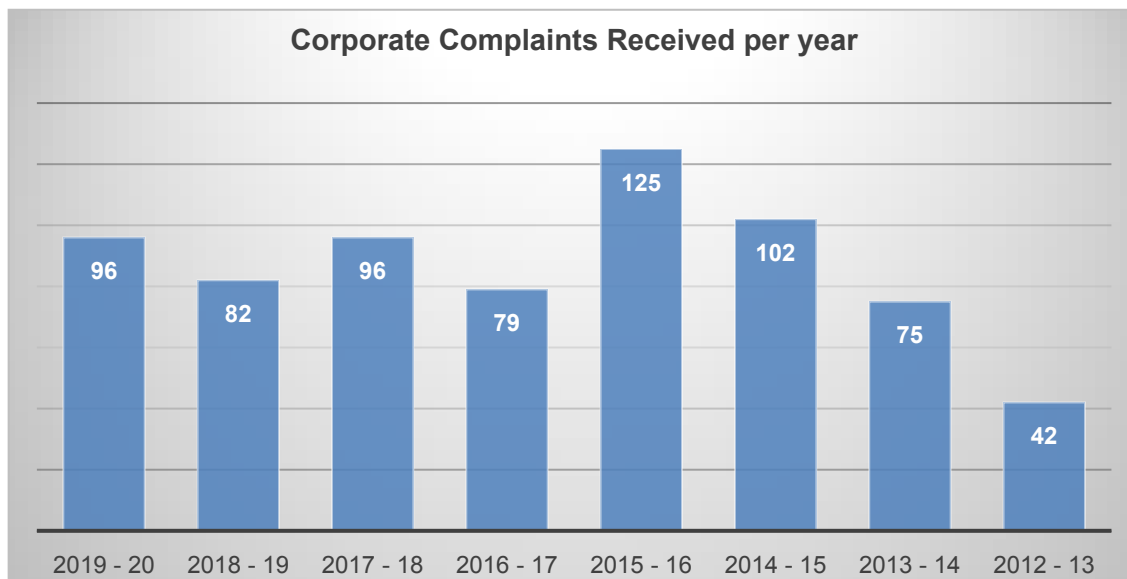
3.0 SUPPORTING INFORMATION

Context

- 3.1 The Council presently administers a 2 stage procedure to deal with corporate complaints whereby the public can seek redress if they believe Council departments have failed to deliver a satisfactory level of service.
- 3.2 When complaints are received that have not been raised previously, in the first instance they are normally directed to the relevant department for matters to be investigated and a response to be provided by a Senior Officer from the service.
- 3.4 Should the complainant remain dissatisfied with the initial response /outcome to their complaint they may request an internal review of the Council's actions / position in relation to their complaint. Such reviews are undertaken independently of the service by an Investigating Officer from the Corporate Performance and Improvement Team.
- 3.5 If the Council cannot resolve matters to the complainant's satisfaction individuals are advised that they can refer matters to the Local Government and Social Care Ombudsman or relevant Professional body or, in the case of complaints relating to Freedom of information requests, the Information Commissioners Office.
- 3.6 At the time of writing this report the Local Government and Social Care Ombudsman (LGSCO) has recently released updated guidance to local authorities concerning effective complaint handling. The content of that document, which was released on 08th October, is now being considered to ensure that the Council's approach remains consistent with the standards established by the LGSCO.

4.0 CORPORATE COMPLAINTS TREND ANALYSIS 2019 - 20

4.1 The chart below provides a breakdown of the number of corporate complaints received for each of the financial years from 2012 to 2020.

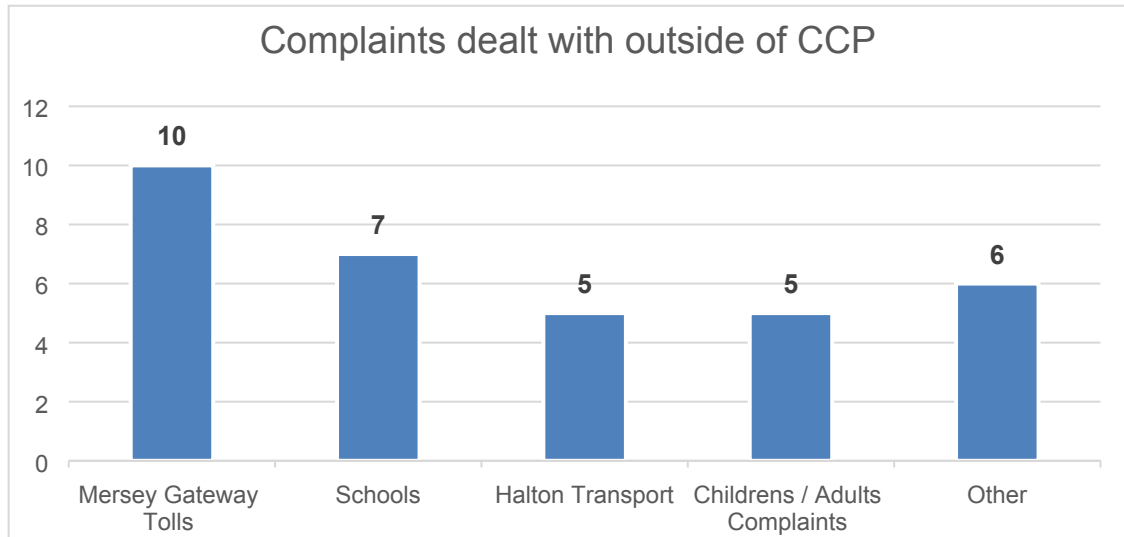


4.2 As the chart illustrates the number of complaints received rose markedly in 2015-16 but have now fallen back to the average levels over the preceding number of years. This may illustrate the effects of the approach to austerity by central government becoming more visible to service users during that particular period and a greater degree of familiarisation with the consequence of financial constraints since that time.

4.3 Of the 96 complaints that were received a total of 33 could not be dealt with through the Council's Corporate Complaints Procedures (CCP). Of these complaints 5 were dealt with through the Children's or Adult Social Care Complaints Procedures, 1 complaint related to a staffing matter regarding a former employee and the remainder concerned outside bodies or matters for which the Council was not responsible. The table below illustrates the primary nature of these complaints.

4.4 Where matters concerned issues relating to third parties the Council provided advice to the complainant as to whom their complaint should be directed and where possible provided the relevant contact details of the organisation concerned. In certain circumstances, e.g. complaints involving Halton Transport, the Council forwarded relevant details of behalf of the complainant and asked that the organisation provide a response directly.

4.5 The Council has in place an established 2 stage procedure for dealing with complaints concerning matters involving crossings of the Mersey Gateway. In the first instance complaints are dealt with by the Council's contracted toll operator Merseyflow. Should complainants remain dissatisfied with the outcome of their complaint at stage 1 they can request that their complaint be further considered by the Mersey Crossings Gateway Board.



4.6 Presently the Council aims to respond to complaints dealt with at stage 1 of the Corporate Procedure within 10 working days and those dealt with at stage 2 within 28 working days. The table below shows the number of complaints that were received and dealt with at each stage during the year and the success rate for responding to complainants within the relevant target timeframe.

4.7 It should be noted that at the time of writing this report the Local Government and Social Care Ombudsman has been critical of a local authority's approach of adopting a single stage process for dealing with complaints and considers that this may limit the opportunity for organisational learning.

| Number of Stage 1 Complaint Responses | |
|---------------------------------------|------------------|
| within 10 day target timeframe | 33 (67%) |
| Within 15 days | 9 (19%) |
| Within 20 days | 4 (8%) |
| 20 days + | 3 (6%) |
| Total | 49 (78%)* |

| Number of Stage 2 Complaint Responses | |
|---------------------------------------|------------------|
| within 28 day target timeframe | 8 (57%) |
| Within 33 days | 1 (7%) |
| Within 38 days | 3 (21%) |
| 33 days + | 2 (15%) |
| Total | 14 (12%)* |

* Percentage of all 63 complaints

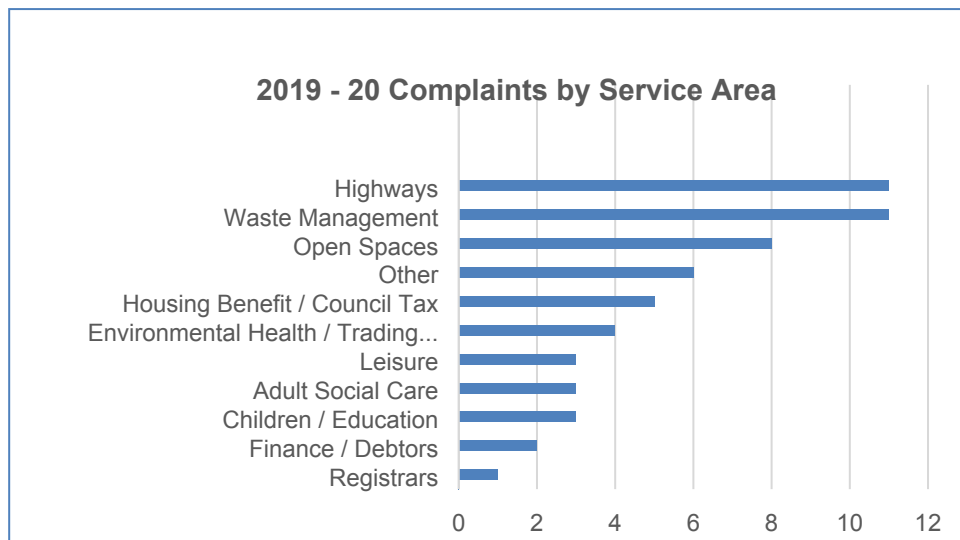
4.8 A number of complaints were dealt with outside of the target timeframe and this primarily related to staffing availability and in some cases resulted from the complexity of the issue in hand and / or the need to review preceding communications between the Council and the complainant.

- 4.9 There was no specific service area that was subject to delays occurring and it remains standard practice that where possible complaints are advised in advance should it be likely that target timeframes will not be met.
- 4.10 The determination of target response timeframes remain discretionary and it is the case that some local authorities choose to adopt longer timescales than those currently applied in Halton. However in taking account of the continued fiscal pressures being faced by the Council it is considered that the timeframes currently in place strike an appropriate balance between the availability of resources and the reasonable expectations of complainants.
- 4.11 The following table provides an overview of the outcome of complaints that were received during 2019 – 20. It should be noted that in a number of cases an objective determination could not be made due to a lack of independent corroborative evidence or where the subject of the complaint involved external agencies such as local housing providers.

| Complaint Outcome | Stage 1 | Stage 2 |
|-----------------------------|-------------|-------------|
| Complaints Upheld | 16 (33%) | 1 (8%) |
| Complaints Partially Upheld | 8 (16%) | 0 |
| Complaints Not Upheld | 24 (49%) | 11 (78%) |
| Undetermined | 1 (2%) | 2 (14%) |

- 4.12 In a small number of cases it was not possible for the Council to retrospectively determine what events may have occurred. For example complaints concerning the alleged behaviour of staff, or the nature of interactions between two parties, where the Council has no objective means of corroborating either parties recollection of events. In such circumstances, the Council provides an appropriate explanation of the circumstances and, where relevant, would apologise for any injured feelings that the complainant had experienced.
- 4.13 A number of complaints were upheld or partially upheld during the course of the year and these occasions provided an opportunity for the Council to both learn from the events and to provide a suitable form of redress to the complainant. It should be noted that none of the complaints, which were upheld, were progressed by the complainant to the Local Government and Social Care Ombudsman and this could provide assurance that the Council actions and remedies were appropriate to the circumstances and were acceptable to those affected.
- 4.14 These complaints that were upheld were not confined to any specific service area and broadly reflected the categorisations of complaints as detailed later in this report.

- 4.15 In summary those complaints which were upheld or partially upheld generally resulted from human or procedural error, a lack of clarity in communication and the sharing of information, or some form of technical or property related issue requiring repair.
- 4.16 There were two particular cases in the year, one involving the actions of an employee, and one involving a procedural matter, whereby the Council acknowledged that the emotional impact upon each of the complainants was considered to be significant. In both of these cases, the Council acted swiftly to investigate and take remedial action and communicate its findings, apologies and proposed remedies which were subsequently accepted by each of the complainants concerned.
- 4.17 Other upheld complaints related to payments not being correctly processed or calculated, delays occurring in dealing with matters and a lack of communication from the Council, or incorrect information being provided by the Council. In each of these cases apologies were given and matters expedited or corrected and the issues raised were discussed with the staff involved.
- 4.18 There were also a small number of cases whereby whilst the Council accepted that events had been as described by the complainant this was to some degree the result of circumstances beyond the control of the Council e.g. equipment requiring repair or technology failure. In such circumstances the Council apologised for the situation having arisen and confirmed what actions were being taken as a result of the complaint being received.
- 4.19 As an example, 2 of the complaints which were upheld related to the condition of facilities at different Council venues. In both cases it was acknowledged that the fabric in parts of each facility had been affected by repairs being outstanding and which were being awaited at the time the complaint had been received.
- 4.20 A number of complaints resulted from staff not following correct procedures and where this was the case the complainant was provided with an apology and the actions of individual employees was addressed by the relevant service manager.
- 4.21 In 11 of the 12 complaints that were determined at stage 2 of the complaints procedure the internal independent review did not identify fault on the part of the Council. In a further 2 cases no determination could be made. In these cases complainants were advised of the outcome of the investigation and that if they remained dissatisfied with the way in which their complaint had been dealt with they may seek independent advice from the Local Government and Social Care Ombudsman.
- 4.22 As would be expected the nature of those corporate complaints received covered a relatively wide range of Council services as illustrated within the chart below.



- 4.23 The service areas of Highways and Waste Management represented the highest number of complaints received during the year. However, both of these service areas engage with the Halton population as a whole to a significant extent and therefore the receipt of complaints as a proportion of service users / recipients is not considered to be a cause of concern.
- 4.24 The categorisation of complaints is broadly consistent with that of the preceding year although slightly more complaints were received concerning highway related matters.
- 4.25 This may be unsurprising given the ongoing residual works that have been necessary following the completion of the Mersey Gateway project. A number of complaints related directly to the impacts of roadworks being undertaken and in such cases the Council, whilst apologising for any individual inconvenience, confirmed that the works were a necessary part of maintaining the highway / utilities infrastructure.
- 4.26 One complaint was received concerning a business owner seeking compensation as a result of traffic diversions being in place and this matter was referred to the Council's insurance section to be progressed.
- 4.27 The Council also investigated 2 complaints from a local residents concerning flooding at their properties, which they believed to be the result of problems with the highway drainage system. Following investigation this was found not be the case and the complainants were advised accordingly.
- 4.28 With regards to Waste Management and Environmental Improvement matters complaints largely related to missed bins and spillages, with one complaint also relating to an environmental enforcement matter.
- 4.29 The introduction of on-board cameras in refuse vehicles has made complaints of missed bin collections much easier to deal with objectively as it can now be determined whether bins from individual properties were presented at the

kerbside for collection as required and what actions were undertaken by operatives. However there were a small number of complaints of missed bins / spillages that were upheld as the Council and in these instances corrective actions were undertaken and an apology was provided and where necessary staff were given additional instruction.

- 4.30 In regards to the environmental enforcement matter, and although correct procedures had been followed, the Council acknowledged that in retrospect the wording of a letter sent to a landlord could have been subject to different interpretation. In that instance the Council apologised to the complainant and confirmed it would provide further clarification regarding the content of the letter should the complainant wish it.
- 4.31 With regards to Open Spaces the majority of complaints related to the management of trees and vegetation and the general maintenance of the Council's open spaces. On a number of occasions, complainants concerned land that was not in the Council's ownership and this was explained to complainants, were directed to the appropriate parties to further progress their issues.
- 4.32 In the majority of cases the Council was carrying out works in accordance with its maintenance schedule and or policies relating to the management of trees and of Local Nature Reserves and this was explained to residents. In the absence of these complaints being escalated to stage 2 it would suggest that once complainants became aware of the Council's fiscal position, and associated policies, they understood the situation more fully and recognised the limitations of what could be delivered.
- 4.33 In one case the Council upheld a resident's complaint that shrubbery had not been maintained and needed to be cut back. Following an investigation the Council apologised to the complainant and, taking account of seasonal limitations, arrangements were made to undertake the works at the earliest opportunity
- 4.33 The majority of Benefits / Council Tax complaints concerned the processing of claims, an application to the Discretionary Award Scheme, the reissuing of amended Council Tax accounts and the collection of arrears.
- 4.34 In the majority of cases due process had been followed and complainants were advised of this and of what steps they may need to take to progress matters. However, in 2 instances the Council acknowledged that errors had been made in calculating an entitlement, and in issuing a letter based upon inaccurate information, and corrective action was taken and apologies were provided to complainants.
- 4.35 Complaints relating to children's services related to the assessment and determination of Education and Health Care Plans and one matter concerning school attendance. Following investigation the Council concluded that its actions were appropriate and consistent with statutory guidance.

- 4.36 In regards to Environmental Health complaints primarily related to the Council's unwillingness to provide pest control with regards to mice, and to the provision of advice concerning the repairs responsibilities of a local Registered Social Landlord. In each case the Council's actions were considered to have been appropriate and this was confirmed to the complainants.
- 4.37 One complaint, dealt with at stage 1 and at stage 2, concerned the payment of the required fee by a dog owner for the collection of their dog which had been collected as stray. Whilst the Council sympathised with the individual concerning the circumstances in which the dog was found unattended it confirmed that the fee could no be waived. The complaint was subsequently investigated by the Local Government and Social Care Ombudsman who found no fault on the part of the Council and required no further action to be taken.
- 4.38 With regards to Adult Social Care, complaints mainly focused upon the delivery of care packages or the issuing and payment of invoices. In most instances the Council's position was explained and in one case the complaint was upheld and an apology was provided to the complainant and a mutually acceptable resolution determined.
- 4.39 The remainder of the complaints received during the year covered a variety of other matters including staff actions, comments, and behaviour, the general cleanliness of an area, and inconsiderate parking by motorists.
- 4.40 An analysis of the complaints received during the course of the year does not indicate that any one service is disproportionately represented and this provides assurance that there have been no systemic weaknesses within existing procedures and the ongoing delivery of services across the organisation.
- 4.42 It should also be noted that individual services will also receive complimentary feedback during the course of the year. Unfortunately, as such information is directed to individuals and or specific service areas, such information cannot be summarised within this report.

5.0 LOCAL GOVERNEMENT OMBUDSMAN COMPLAINTS

- 5.1 The following tables provide a summary of the numbers of complaints and enquiries that were received by the Local Government Ombudsman during 2019 - 20.

| Service Area | Number |
|---------------------------------|---------------|
| Adult and Care Services | 7 |
| Education and Children Services | 12 |
| Planning and Development | 2 |
| Corporate and other | 0 |
| Highways and Transportation | 22 |

| | |
|----------------------|-----------|
| Benefits and Tax | 2 |
| Housing | 2 |
| Environment Services | 4 |
| Total | 51 |

5.2 **ADDITIONAL COMMENT TO FOLLOW.**

5.3 .

5.4 .

5.5 .

6.0 POLICY IMPLICATIONS

6.1 Complaints provide essential information and inform the development of Halton Borough Council services and policies. The Corporate Complaints Procedure is regularly reviewed to ensure it continues to conform to best practice and remains fit for purpose.

7.0 OTHER IMPLICATIONS

7.1 Improvement and quality assessment agendas increasingly consider the robustness of complaints procedures and how they are demonstrably used to inform and drive change.

8.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES

8.1 It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of all of its six strategic priority areas.

9.0 RISK ANALYSIS

9.2 An inefficient or ineffective complaints system will fail individuals who want to use it and prevent the organisation from learning from complaints. Whilst complaints can result in positive changes for individuals, they are also a key source of intelligence, which can be used to influence the design and delivery of services that the organisation provides and commissions.

10.0 EQUALITY AND DIVERSITY ISSUES

10.1 All complaint forms are issued with a separate form for monitoring diversity of complainants with regard to age, disability, ethnicity and gender. Unfortunately, the majority of corporate complainants choose not to return the monitoring form with their complaint so information collected is extremely limited. However, upon the basis of available evidence there is no indication that any specific social

groups are over or under represented by age, gender, disability etc. which suggests that the complaints process remains accessible on an equitable basis.