

REPORT TO: Corporate Services Policy & Performance Board

DATE: 2 November 2021

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 2020 – 21 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.

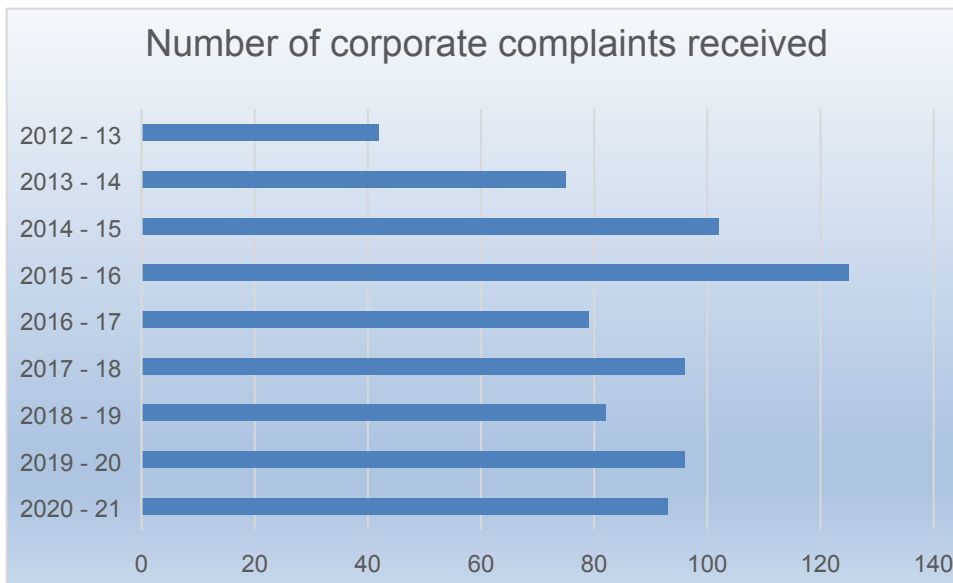
3.2 When complaints are received that have not been raised previously, in the first instance they are normally directed to the relevant department for matters to be investigated and a response to be provided by a Senior Officer from the service.

3.4 Should the complainant remain dissatisfied with the initial response or outcome to their complaint they may request an internal review of the Council's actions and position in relation to their complaint. Such reviews are undertaken independently of the service by an appointed Investigating Officer.

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 that are considered by the Council's Information Governance Team, to the Information Commissioners Office.

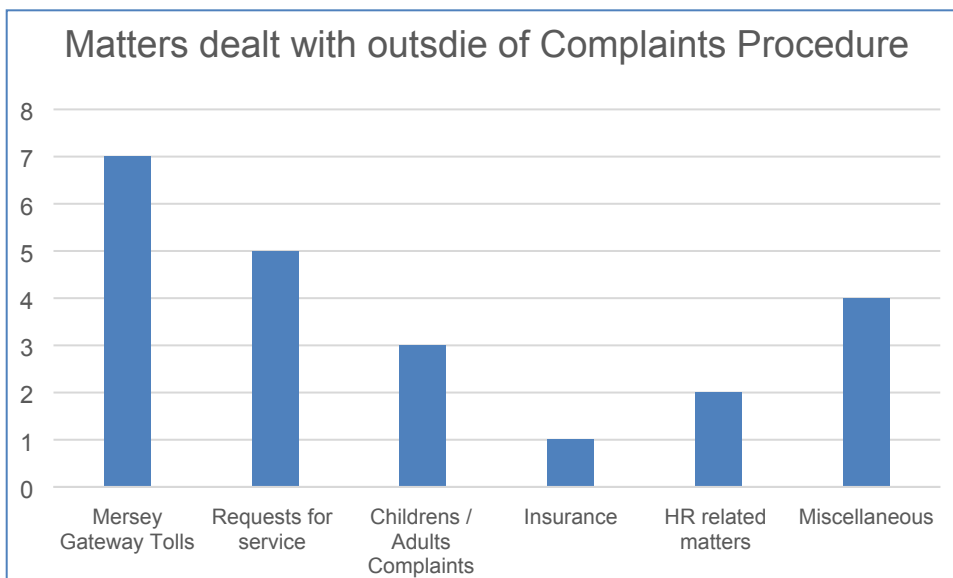
4.0 CORPORATE COMPLAINTS TREND ANALYSIS 2020 - 21

4.1 The chart below provides a breakdown of the number of corporate complaints received for each of the preceding 9 financial years from April 2012 to March 2021.



4.2 As the chart illustrates the number of complaints being received rose markedly during 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 93 complaints that were received in 2020 – 21 a total of 22 complaints that had been received could not be dealt with through the Council’s Corporate Complaints Procedures (CCP). The chart below illustrates the primary nature of those complaints.



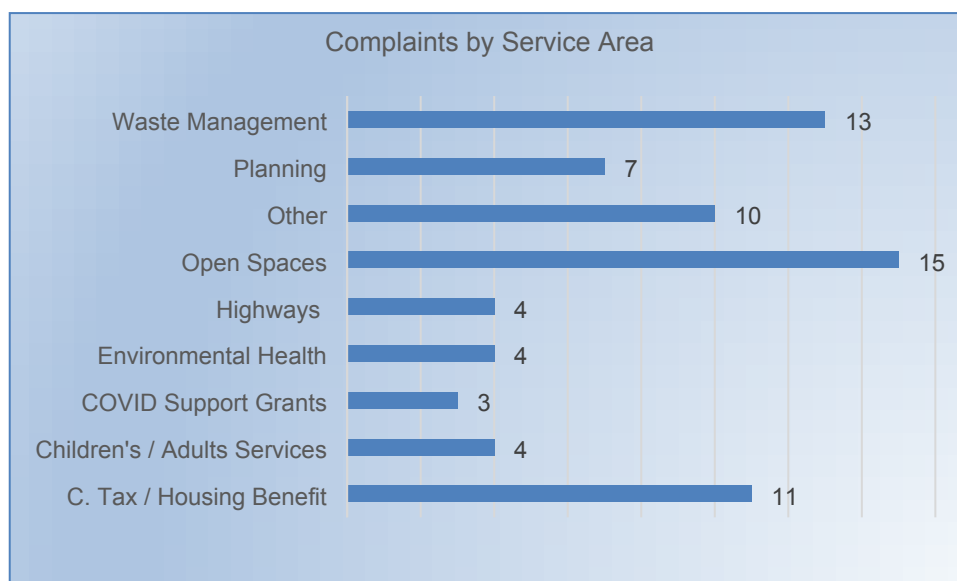
- 4.4 The majority of these complaints concerned matters related to the Mersey Gateway tolling arrangements. In the first instance these complaints are dealt with by the Council's contracted toll operator Merseyflow. Should complainants remain dissatisfied with the outcome of their complaint at stage 1 they can request that their complaint be further considered by the Mersey Crossings Gateway Board.
- 4.5 Of the remainder some were dealt with through the Councils Children's or Adult Social Care Complaints Statutory Procedures. Some concerned insurance related matters, for example damage being caused to a vehicle by an alleged protruding kerbstone and some were employee / staffing related matters. Such complaints were dealt with through the appropriate process e.g. the Council's insurance claims process through internal management procedures.
- 4.6 Some of the complaints were considered as requests for service i.e. where the Council had not previously been aware of an issue, or given the opportunity to address matters. Such requests included enquiries concerning disabled parking bays or requests to cut back vegetation along verges and footpaths. The table overleaf illustrates the primary nature of those complaints that were progressed outside of the complaints procedures.
- 4.7 A small number of these complaints were more general in nature e.g. an individual believing that the Council was not doing enough with regards to economic regeneration or that its open space maintenance programme was inadequate. In such cases the cases explained its position on such matters though in the cases mentioned the individuals concerned maintained their position on the matters.
- 4.8 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 for the 2020 – 21 and the preceding year.

| Number of Stage 1 Complaint Responses | | |
|---------------------------------------|-----------|-----------|
| Financial Year | 2019 - 20 | 2020 - 21 |
| within 10 day target timeframe | 33 (67%) | 46 (80%) |
| Within 15 days | 9 (19) | 2 (4%) |
| Within 20 days | 4 (8%) | 3 (6%) |
| 20 days + | 3 (6%) | 6 (10%) |
| Total | 49 (78%)* | 57 (74%)* |

| Number of Stage 2 Complaint Responses | | |
|---------------------------------------|-----------|-----------|
| Financial Year | 2019 - 20 | 2020 - 21 |
| within 28 day target timeframe | 8 (57%) | 11 (55%) |
| Within 33 days | 1 (7%) | 4 (20%) |
| Within 38 days | 3 (21%) | 2 (10%) |
| 38 days+ | 2 (15%) | 3 (15%) |
| Total | 14 (12%) | 20 (26%) |

* Percentage of all complaints dealt with during that year, at stage 1, stage 2 or both.

- 4.9 Whilst a total of 71 complaints were considered some of these were assessed both at stage 1 and 2 of the procedure resulting in a total of 77 complaint responses being provided.
- 4.10 When compared to the previous year the number of stage 1 complaint responses provided within 10 working days has increased quite notably although the overall number of responses provided within 15 days has remained relatively static.
- 4.11 More complaints were considered at stage 2 as compared to the previous year and the number of responses provided within 33 working days has shown a 10% improvement.
- 4.12 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. 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.
- 4.13 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.
- 4.14 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.



- 4.15 The service areas of Open Space Services, Waste Management, and Council Tax / Housing Benefits represented the highest number of complaints received during the year. However, as each 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.
- 4.16 The categorisation of complaints is broadly consistent with that of the preceding year although slightly more complaints were received concerning planning related matters during 2020 - 21. This may potentially have resulted from individuals working from or spending more time at home during lockdown and being more aware of their immediate surroundings e.g. the times at which building works may start on a planning development site etc.
- 4.17 The following table provides an overview of the outcome of complaints that were received during 2020 – 21. 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 | 21 (37%) | 2 (10%) |
| Complaints Partially Upheld | 8 (14%) | 2 (10%) |
| Complaints Not Upheld | 25 (44%) | 15 (75%) |
| Undetermined | 3 (5%) | 1 (5%) |
| Total | 57 | 20 |

- 4.18 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.
- 4.19 As can be seen from the table above the numbers of complaints that were upheld at stage 1 was broadly similar to those that were not upheld. This would seem to suggest that service managers are not dismissive of complainants or consider complaints in a defensive manner but rather that they recognise, and are willing to acknowledge, where service provision may have fallen below an acceptable standard and act to put things right.
- 4.20 In contrast a much smaller number of complaints that were considered at stage 2 were upheld or partially upheld. This would seem to provide assurance that the actions taken at a service level had been proportionate and appropriate to the circumstances.
- 4.22 During 2020 – 21 a number of complaints which were received directly concerned COVID related matters as illustrated in the example below and later in this report.
- 4.23 With regards to complaints that were not upheld this broadly reflected a divergence of opinion between the Council and the complainant. For example one complainant was dissatisfied about being asked to socially distance from his son during a football game which took place at Halton Stadium during the first lockdown period. In that instance, and whilst acknowledging the views of the complainant, the actions of the Steward were considered to have been appropriate in that the seating arrangements were advertised at the point at which tickets were sold and both parties were seated within clear sight of each other and were the only occupants of a rearmost row of seats.
- 4.24 In other cases complaints concerned what was perceived by the complainant to be problems with highway drainage that caused excess surface water to collect on their property. However the evidence available to the Council did not support this view, although further jetting of the drains was undertaken.
- 4.25 A number of other complaints that were not upheld concerned the complainants dissatisfaction with the Council's actions regarding the collection of Council Tax or the payment of benefits which they considered to be unjustified, and others concerned waste management matters regarding policy i.e. charging for replacement bins. In the majority of these cases the Council had followed due process and applied existing policy correctly.
- 4.26 The majority of planning related complaints concerned the belief on the part of the complainant that a breach of planning control had occurred and in one instance an objector to a planning permission believed that a technical report which had been submitted by the applicant was not fit for purpose.

In the majority of these cases the Council considered that no fault had occurred and due process had been followed.

- 4.27 With regards to Open Space services complaints, and as in preceding years, the Council received a number of complaints concerning the felling / lopping of trees and the Council's maintenance of shrubbery and open spaces. In the majority of cases the Council referred complaints to its Tree Strategy which detailed the Councils' policy on tree management, or referred to its seasonal maintenance programme.
- 4.28 In a small number of cases the Council considered that whilst the complaint which was made had some merit it would be inappropriate to provide the resolution that the complainant was seeking. For example a complaint was made that a refuse vehicle had damaged a ramp that was being used by children to play on the roadway of a quiet cul-de-sac. Whilst, on the balance of probability, Officers considered the event had likely occurred, it was not in a position to replace the ramp as this would have been inconsistent with the Council acting responsibly with regards to matters of road safety.
- 4.29 In all cases where a complaint was not upheld at stage 1 the Council explained the reasons for its position and confirmed that should they remain dissatisfied the complaint they could request that matters be escalated to stage 2 of the complaints procedure.
- 4.30 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's actions and remedies were appropriate to the circumstances and were acceptable to those affected.
- 4.31 Those complaints that were upheld were not confined to any specific service area and broadly reflected the categorisations of complaints as detailed earlier in this report.
- 4.32 In all cases where a complaint was upheld or partially upheld the Council offered an apology, and took action to remedy the situation and where possible provide a suitable form of redress.
- 4.33 In some situations however it was not possible to retrospectively amend the actions of the Council e.g. where an event had happened that could not retrospectively be 'undone' as in the waste management example referred to later in this report.

- 4.34 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 or maintenance.
- 4.35 With regards to waste management the majority of complaints concerned refuse collection services and, for example spillages occurring which were not cleared by operatives or bins being missed or not being returned to the front of a property after being emptied. In such cases, and in one other instance where staff at the household waste site were not maintaining social distancing, an apology was provided and the complainant advised that staff would be reminded of their responsibilities.
- 4.36 Three complaints were received during the latter part of the year which related specifically to the Council's administration of the Liverpool City Region COVID leisure and hospitality grant and in all cases the Council had applied the correct criteria in determining eligibility. However in one instance, which was considered at both stages of the complaints procedure, it was determined at stage 2 that the communication from the Council was not as clear as it may have been and in that case the applicant was invited to submit further evidence in support of their application.
- 4.37 in one planning related matter concerning the perceived quality of pre-planning advice (PPA) the Council reaffirmed that such advice was provided upon the basis of what was known at the time it was given and was not the determinant of the actual planning decision. However in that instance the Council in reviewing its PPA case notes considered that they could have been better and as a consequence provided an apology and suggested a remedy which was considered acceptable by the complainant.
- 4.38 A further complaint which was upheld at stage 1 involved matters concerning a contractor acting on behalf of the Council. Following a meeting between the complainant and Council and the contractors representatives a suitable remedy was proposed and accepted by all parties.
- 4.39 There were a number of complaints during the year concerning the lack of provision of a service that was directly attributable to the impact of the COVID pandemic on the Council, and in some cases it's contractors, and the various restrictions that were imposed by central government at specific points in time.
- 4.40 In such situations the Council explained how the limitations had occurred and when services would likely be resumed and / or programmed works to be undertaken at the earliest opportunity.
- 4.41 In a number of other situations complaints arose a result of system failures, e.g. an individual receiving Council Tax related paper documents where they had elected to receive electronic communications. In such situations the Council updated its records and apologised for the inconvenience that had been caused.

- 4.42 There were also a number of instances whereby individuals felt that they had been inconvenienced by what they considered to be a lack of clarity on the part of the person dealing with their enquiry. In all such circumstances their views were brought to the attention of the individual member of staff concerned and they were asked to reflect on how they dealt with the matter.
- 4.43 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.
- 4.44 In 15 of the 20 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 1 case 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.
- 4.45 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.
- 4.46 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 and Social Care Ombudsman during 2020 - 21.

| Service Area | Number |
|---------------------------------|---------------|
| Adult and Care Services | 2 |
| Education and Children Services | 5 |
| Planning and Development | 1 |
| Corporate and other | 2 |
| Highways and Transportation | 3 |
| Benefits and Tax | 1 |
| Housing | 0 |

| | |
|----------------------|-----------|
| Environment Services | 3 |
| Total | 17 |

5.2 The LGO upheld 6 complaints and the Council had 100% compliance in implementing their recommendations.

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 reviewed periodically to ensure it continues to conform to best practice and remains fit for purpose.

6.2

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.