

## **7. OVERVIEW OF COMPLAINTS – 2015/2016**

REPORT OF: Simon Hughes, Head of Digital and Customer Services  
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477471  
Wards Affected: (All)  
Key Decision: No  
Report to: Scrutiny Committee for Leader and Service Delivery  
Date of meeting 14th September 2016

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### **Purpose of Report**

1. To provide Members with information about formal complaints received by the Council from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016. The report also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

### **Background**

In 2015/16 the Council received 171 complaints, a reduction compared with the previous year, when 201 complaints were received. All complaints were investigated and responded to within the target times set out within the complaints procedure. In the same period the Council also received 318 compliments.

The Council is not mirroring the trend nationally. The LGO has seen a plateauing of complaints and has received 19,702 complaints and enquiries nationally, a similar amount as in 2014/15. Nationally 3,529 separate recommendations were made to remedy injustice and 99.9% of all recommendations were complied with across all local authorities. The LGO reported that they are most likely to find fault in complaints about benefits and tax (64%) and least likely to find fault in complaints about highways and transport (40%). A complaint is classed as upheld if the LGO find some fault in the way the local authority acted, including where it has been acknowledged that a fault has been made and action offered to be taken, but the person still requires an independent review.

### **Recommendations**

2. Members are recommended to:

Note the report

### **Complaints Process**

3. The Council has a formal complaints procedure. A copy is attached at appendix B. A summary of all complaints and compliments received are reported to the Portfolio Holder for Finance and Service Delivery monthly.

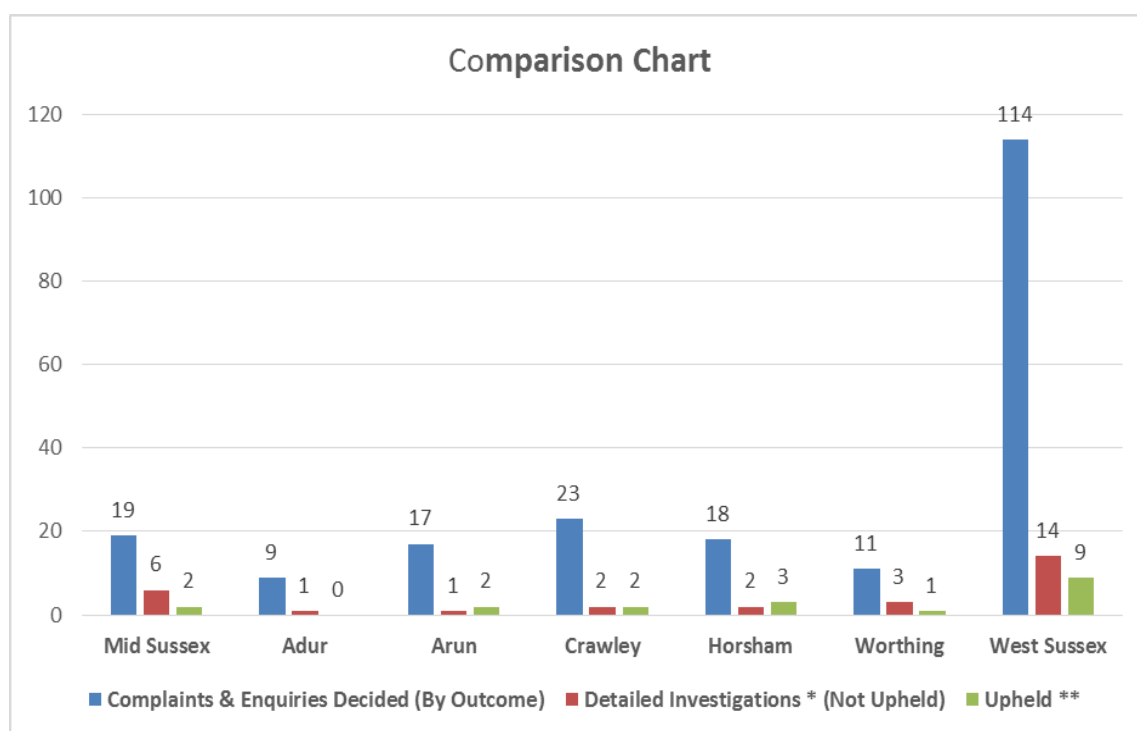
### **Complaints and Enquiries received from LGO**

4. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016 are detailed below. A copy of this annual review letter can be found at Appendix A.
5. A number of complaints will have been received but decisions reached by the LGO in different business years, this explains why the numbers of complaints and enquiries received do not always equate.

6. For comparison, during 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
11	19	21	19	17	9	115

7. Decisions made by the LGO for the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016 in West Sussex were as follows:



\*\* Upheld complaints are those where the LGO finds some fault in the way a council acted, even if it has agreed to put things right during the course of the investigation or has accepted it needs to remedy the situation before the complainant made the complaint.

8. The detailed investigations undertaken by the LGO for complaints by Mid Sussex residents were in the following areas:

Planning and Development	-	6
Housing	-	1
Benefits and Council Tax	-	1

The six complaints not upheld were:

Service	Details of Complaint	LGO Summary
Planning and Development	Procedure in considering planning applications..	No evidence of fault causing injustice to the way the Council has dealt with the complaint regarding the development.
Planning and Development	Handling of sensitive planning application.	Investigation discontinued as issues highlighted no different from those giving rise to a Court Order.
Planning and Development	Planning application process	No evidence of maladministration.
Planning and Development	Planning permission procedure	The Council was not at fault, potential adverse effects properly assessed.
Planning and Development	Dissatisfied with legal advice given on planning application.	There was no administrative fault of the Council.
Service	Details of Complaint	LGO Summary
Housing	Refusal of Housing Appeal	No evidence of fault by the Council.

The two complaints which were upheld were as follows:

Service	Details of Complaint	LGO Decision
Benefits and Tax	Confusion over person liable for council tax and summonses issued incorrectly.	<b>Apology given for failure to investigate query fully. £150 compensation paid, council tax liability reduced to take into account correct dates for liability and payment arrangement put in place to clear the outstanding amounts.</b>

Planning and Development	The site notice for a planning application in a conservation area for change of use of a building was not explicit enough and the deadline for objections was not made clear.	<p><b>The Council was not at fault in the way it determined a planning application.</b></p> <p>As a result of this complaint, procedures were changed so that site notices are given specific reference numbers so they can be tracked on our internal system to avoid confusion with deadline dates.</p>
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The other complaints submitted to the LGO were as follows:

Service	LGO Summary
Benefits and Tax	Referred back for local resolution
Environmental Services and Public Protection and Regulation	Referred back for local resolution
Environmental Services and Public Protection and Regulation	Closed after initial enquiries.
Environmental Services and Public Protection and Regulation	Closed after initial enquiries.
Highways and Transport	Closed after initial enquiries.
Highways and Transport	Closed after initial enquiries.
Planning and Development	Referred back for local resolution
Planning and Development	Closed after initial enquiries.
Planning and Development	Closed after initial enquiries.
Planning and Development	Closed after initial enquiries.
Planning and Development	Closed after initial enquiries.

### Financial Implications

10. Reducing the number of avoidable complaints reduces costs in administration and improves customer experience. Where relevant learning is used to improve services. There are no other financial implications; the payment recommended by the LGO was met from existing budgets.

### Risk Management Implications

11. There are no specific risk management implications arising from this report.

### Equality and Customer Service Implications

12. Complaints are taken very seriously at Mid Sussex District Council and each one is reviewed to highlight any service failures that need to be addressed to prevent a recurrence.

### Other Material Implications

13. There are no other material implications arising from this report.

Appendices:

LGO Annual Review letter of 2016 - Appendix A

Council's complaints procedure – Appendix B

<http://www.midsussex.gov.uk/media/76948/current-msdc-complaints-procedure-amended-feb-2016.pdf>

## **Background Papers**

**Link to Local Ombudsman upholding more complaints about local government –**

<http://www.lgo.org.uk/information-centre/news/2016/jul/ombudsman-upholding-more-complaints-about-local-government>