

X. TITLE OF REPORT – OVERVIEW OF COMPLAINTS – 2014/2015

REPORT OF: Judy Holmes, Assistant Chief Executive/Simon Hughes, Head of Digital and Customer Services
Contact Officer: Diane Talbot, Business Unit Leader for Customer Services and Communications
Email: diane.talbot@midsussex.gov.uk 01444 477387
Wards Affected: (All)
Key Decision: No
Report to: Scrutiny Committee for Leader and Service Delivery
Date of meeting 8th September 2015

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2014 to 31st March 2015. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

Background

2. In 2014/15 the Council received 201 complaints, compared to 143 in 2013/14, 98% of which were investigated fully and responded to within the target times set out within the Council's complaints procedure. Nationally 34% of Councils saw an increase in complaints according to research carried out by LGO. The report notes that a higher volume of complaints does not necessarily mean poorer standards of service. It may indicate a council's open approach to listening to feedback and using complaints as an early indicator of potential issues.

Recommendations

3. Members are recommended to:

Note the report

Complaints Process

4. 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

5. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1st April 2014 to 31st March 2015 are detailed below. A copy of this annual review letter can be found at Appendix A.
6. 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.
7. For comparison, during 1st April 2014 to 31st March 2015, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
9	23	16	20	19	23	106

8. Decisions made by the LGO for the period 1st April 2014 to 31st March 2015 in West Sussex were as follows:

Authority	Decisions Made	Detailed Investigations*	Upheld**	Not Upheld
Mid Sussex	15	5	3	2
Adur	11	5	2	3
Arun	29	10	4	6
Crawley	15	9	1	0
Horsham	21	4	2	2
Worthing	22	6	2	4
West Sussex	111	38	20	18

*These are complaints where the LGO has decided to undertake a detailed investigation.

** 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	-	2
Benefits and Tax	-	2
Environmental Services and Public Protection and Regulation	-	1

The two complaints not upheld were:

Service	Details of Complaint	LGO Summary
Planning and Development	Contravention of planning permission.	No fault causing injustice to the way the Council has dealt with the complaint regarding the development. Investigation completed.
Environmental Protection	Noise nuisance investigation.	No evidence of administrative fault. No investigation.

The three complaints which were upheld were as follows:

Service	Details of Complaint	LGO Decision
Benefits and Tax	Delay in dealing with resident's request for council tax support, and loss of correspondence. This led to the Council wrongly issuing a summons for council tax arrears.	Failure to pass on and action the request for assistance in April 13 amounted to an injustice. MSDC apologised and payment of £100 made in recognition of anxiety caused.

Service	Details of Complaint	LGO Decision
Benefits and Tax	Council did not notify its intention to take enforcement action for non-payment of Council Tax at a previous address. No opportunity to pay the bill by instalments was given and resident only knew of action when complainant was contacted by bailiffs.	Council did not update records correctly and did not properly notify the complainant. Important documents sent to the wrong address. MSDC apologised and all summons costs removed from account.
Planning and Development	Resident was assured that the distance between the rear of his home and plot 11 on a proposed new development would be 18.4 metres. When built the distance was 18 metres. The Council said that the development was built in accordance with the approved plans, so it cannot take enforcement action or compensate the complainant for the loss of amenity suffered.	The Council was at fault in telling the complainant that a proposed new dwelling would be set further from the rear boundary than it actually was. LGO completed the investigation and closed the complaint as this fault did not cause injustice because the Planning Committee did not approve the planning application in the belief that the total separation distance between this dwelling and complainant's home would be greater than it was.

The other complaints submitted to the LGO were as follows:

Service	LGO Summary
Benefits and Tax	Referred back for local resolution
Benefits and Tax	No investigation as unlikely to find fault.
Benefits and Tax	No investigation as unlikely to find fault.
Corporate and other Services	Incomplete/invalid
Planning and Development	No injustice – Closed after initial enquiries.
Planning and Development	Incomplete/invalid
Planning and Development	Referred back for local resolution
Planning and Development	Incomplete/invalid
Planning and Development	No evidence of fault
Planning and Development	General discretion exercised as alternative remedy

Financial Implications

- There are no 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 2014/15 - Appendix A

http://www.midsussex.gov.uk/media/LGO_Letter_2014_15_for_Mid_Sussex_District_Council.pdf

Council's complaints procedure – Appendix B

<http://www.midsussex.gov.uk/media/MSDC-Complaints-Procedure-Oct-2010.pdf>

Background Papers

None