

OVERVIEW OF COMPLAINTS – 2018/2019

REPORT OF: Simon Hughes, Head of Digital and Customer Services
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Wards Affected: (All)
Key Decision: No
Report to: Scrutiny Committee for Customer Service and Service Delivery
5th February 2020

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2018 to 31st March 2019. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

Background

2. In 2017/18 the Council received 196 complaints, compared to 232 in the previous year. All complaints were investigated and responded to, 99% within the target times set out within the Council's complaints procedure. The remaining 1% received apologies for delay in acknowledgement and response and were due to more time needed for investigation. In the same period the Council also received 448 compliments, compared to 267 in 2017/18. More complaints do not necessarily mean increased service issues. Increasing awareness of the complaints process is important as complaints and compliments provide an opportunity to review procedures and initiate improvements if needed. Each issue of the staff newsletter currently references the number of complaints and compliments received and highlights some examples of excellent customer service to share best practice.
3. Nationally the LGO registered 16,899 complaints and enquiries compared to 17,452 in 2017/2018 and 58% of their investigations were upheld, which increased from 57% the previous year. The LGO's latest report launched a new interactive map of council performance at <https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/statistics>
4. For the Council, three detailed investigations took place and of these one was upheld, which equates to 33% compared to an average of 43% in similar authorities, details on these are contained in paragraphs 15 and 16 and the accompanying table. We also had a 100% compliance rate with any recommendations the LGO made compared to an average of 99% in similar authorities.
5. Nationally, the LGO carried out 4232 detailed investigations compared with 4020 in 2016/17, a third of these related to Education and Children's Services or Adult Social Care. The highest proportion of complaints which were upheld were about Benefits and Tax (69%) and the fewest about Planning and Development (37%). The LGO made recommendations to remedy 1,929 upheld cases, up 11% on 2017-18 and welcomed the constructive way in which the large majority of authorities work with them to remedy injustices and to take steps to improve services. The number of cases where authorities have offered a suitable remedy during their local complaints process before being submitted to the LGO has increased by a fifth on last year.

6. The LGO states that it is important to understand that, taken alone, the volume of complaints does not indicate the quality of an authority's services. High volumes of complaints can be a sign of an open, learning organisation, and they consider an authority's willingness to accept fault where it has occurred and to put things right as a more insightful marker than complaint volumes.
7. 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. For the Council, this is normally when the complainant, having received a response from the Business Unit Leader at stage one, and then by an independent Head of Service at stage two, is still dissatisfied with the outcome of their complaint.
8. The Council follows the LGO good practice guidance for complaints for Councils:
 - Ensuring reports are concise and written in plain English where possible to ensure they can be understood by a range of people.
 - Ensuring there is a record of how all key material planning considerations were considered.
 - Ensuring comments from local people and other bodies are summarised so people can see what was considered.
 - Clearly explaining what is being considered and the impact on any existing permissions and planning controls.
 - Using a system for recording reasons for decisions, even if the decision is that no action should be taken.
9. The LGO refers to the fact that most Councils work constructively to remedy injustice and take on board how to prevent future occurrences and improve procedures. An example of this is where, as a result of a complaint regarding information contained within a Planning Committee report, officers were reminded that any report should include a full and clear analysis of the likely impact of proposed development.
10. Similarly, we complete recommendations from complaints rather than waiting for the outcome of any complaints referred to the LGO. For example, the LGO closed a complaint forwarded to them, as the Council had already remedied the matter and made an apology. Other complaints were not referred to the LGO, as remedies such as an apology, action taken and reimbursements where it was deemed appropriate to do so.

Recommendations

11. Members are recommended to note the report

Complaints Process

12. 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 Customer Services on a monthly basis and reviewed by Business Unit Leaders at their bi-monthly meeting.

Complaints and Enquiries received from LGO

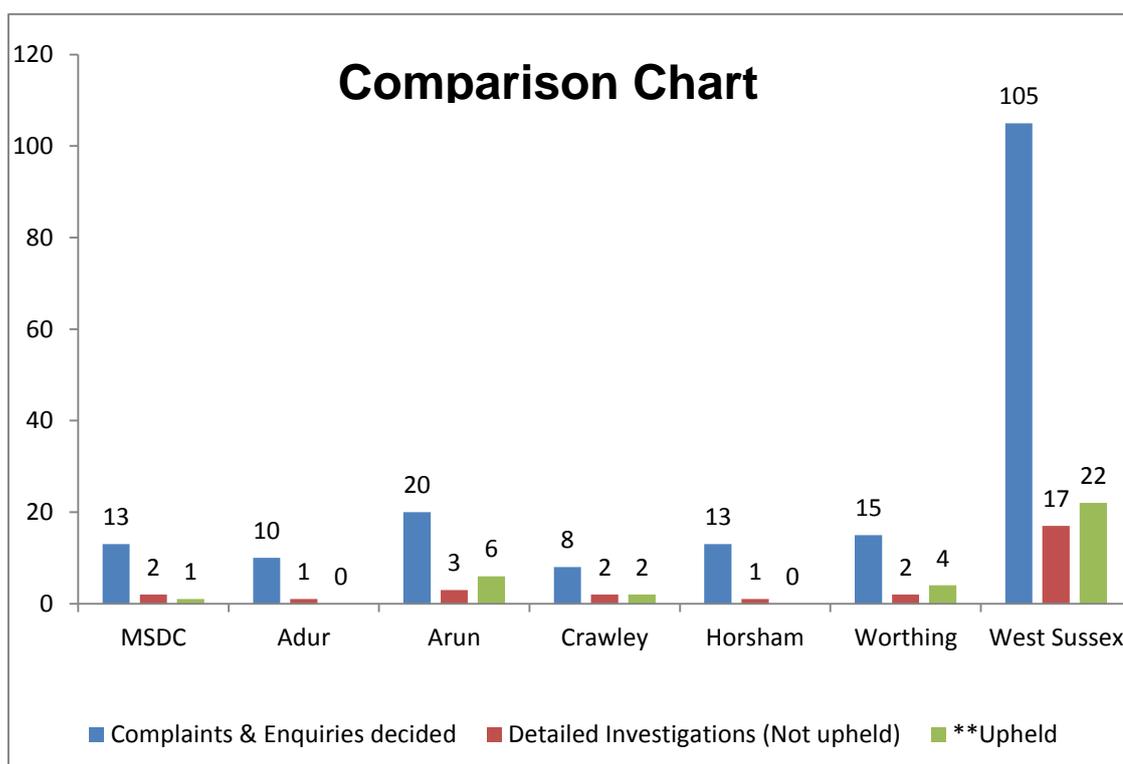
13. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1st April 2018 to 31st March 2019 are detailed below. A copy of this annual review letter can be found at Appendix A.

14. The numbers of complaints and enquiries received do not always equate as a number of complaints will have been received by the LGO during the year, but decisions are reached on them in different business years.

15. For comparison, during 1st April 2018 to 31st March 2019, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
11	21	8	17	16	16	110

16. Decisions made by the LGO for the period 1st April 2018 to 31st March 2019 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.

17. There were three detailed investigations undertaken by the LGO in 2018/19, (four in 2017/18) for complaints by Mid Sussex residents. These three investigations were for Planning and Development.

One involved a complainant who was dissatisfied with enforcement action regarding landscaping on a new development. The LGO confirmed that the action taken by the Council met both local and national guidance.

One involved dissatisfaction with late notification of a planning application where the LGO found no fault by the Council.

The one complaint which was upheld by the LGO was the dissatisfaction of information provided in a Committee Report. The LGO agreed that the report failed to clearly show the impact upon the amenity of neighbouring properties, although this was unlikely to have affected the planning decision. It did, however, cause the complainant frustration. As a result of this decision the Council acted by reminding officers to show this in all future reports and apologised to the complainant for this.

18. The other complaints submitted to the LGO were:

One for Benefits and Tax (closed after initial enquiries), one for Housing (closed after initial enquiries), 8 for Planning and Development (4 closed after initial enquiries), (4 referred back for local resolution).

Financial Implications

19. There are no financial implications.

Risk Management Implications

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

Equality and Customer Service Implications

21. Complaints are an opportunity to improve service and staff performance. Each complaint is reviewed to highlight any service failures that need to be addressed to prevent a recurrence.

Other Material Implications

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

Appendices:

LGO Annual Review letter of 2019 - Appendix A

<https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/annualletters/>

Council's complaints procedure – Appendix B

<https://www.midsussex.gov.uk/media/4630/msdc-complaints-procedure-jan-2020.pdf>

Background Papers

Link to Local Ombudsman upholding more complaints about local government:

<https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>