

OVERVIEW OF COMPLAINTS – 2019/2020

REPORT OF: Rafal Hejne, Interim Head of Digital and Customer Services
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Wards Affected: (All)
Key Decision: No
Report to: Scrutiny Committee for Customer Services and Service Delivery
3rd February 2021

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2019 to 31st March 2020. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

Background

2. In 2019/20 the Council received 230 complaints, and 98% of these were investigated and responded to within the target times set out within the Council's complaints procedure. These response times were impacted by Covid-19, due to other priorities related to assisting with the pandemic and complainants were understanding of this when apologies were made. During the same period the Council also received 336 compliments. 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 17,019 complaints and enquiries compared to 16,899 in 2018/2019 and 61% of their investigations were upheld, which increased from 58% 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. Twelve complaints were referred to the LGO for investigation, six were closed after initial enquiries and the remaining six were investigated in further detail and of these, two complaints were upheld. This equates to 33% compared to an average of 45% in similar authorities. Details on these are contained in paragraph 14 and the accompanying table. The Council 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 4217 detailed investigations compared with 4232 in 2017/18. Nearly 50% of these related to Education and Children's Services or Adult Social Care and this was also where the highest proportion of complaints were upheld (72% and 68% respectively). The lowest nationally being for Planning and Development where 40% of the 735 detailed investigations were upheld.
6. The LGO in their report state that:

Councils are putting things right more often. In 13% of upheld cases, councils had already offered a suitable remedy, up from 11% last year.

The LGO recommended 1,629 service improvements, up 12% on the previous year and compliance with their recommendations remains at 99.4%

7. The LGO welcome the constructive way most authorities work with them to remedy injustices and take steps to improve and closely monitor when their recommendations are implemented and if not will take action. For Mid Sussex, the LGO noted that in 50% of upheld cases the Council had provided a satisfactory remedy prior to the LGO decision, compared to 20% in similar authorities. Although the second complaint had been upheld, the fault did not cause significant injustice and it did not call into question the decision to approve the application.
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.

Recommendations

9. Members are recommended to note the report

Complaints Process

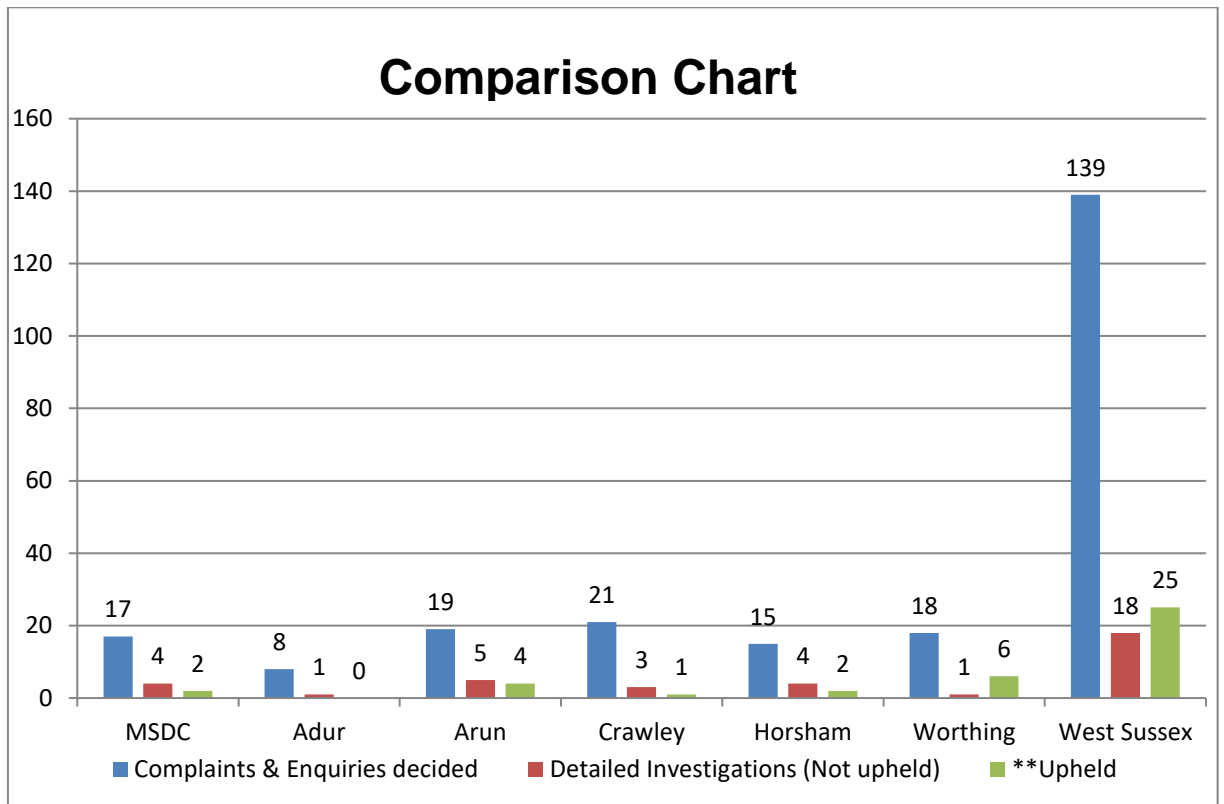
10. The Council has a formal complaints procedure, a link is available in the Background Papers section. A summary of all complaints and compliments received are reported to the Portfolio Holder for Customer Services on a monthly basis and reviewed by Business Unit Leaders at their bi-monthly meeting.

Complaints and Enquiries received from LGO

11. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1st April 2019 to 31st March 2020 are detailed below. A copy of this annual review letter can be found in the appendices.
12. 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.
13. For comparison, during 1st April 2019 to 31st March 2020, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
8	19	21	11	14	14	128

14. Decisions made by the LGO for the period 1st April 2019 to 31st March 2020 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.

There were six detailed investigations undertaken by the LGO in 2019/20 into complaints by Mid Sussex residents. These six investigations were for Licensing and Planning and Development, with two being upheld.

Service	Details of Complaint	LGO Summary
Planning and Development	Dissatisfied that representations of drawings were inaccurate as presented in the Committee report.	Complaint upheld. No fault with the decision of the Council to approve the application, however found fault as a Councillor visited the application site prior to the application being considered without a planning officer present. Member protocol revised to clearly state that Councillors should not enter an application site unless on an official Committee site visit.
Environmental Health	Caravan Site Licence incorrectly revoked.	Complaint upheld, No further remedy other than already taken by the Council of making an apology for this mistake.
Planning and Development	Dissatisfied with the planning application process.	The Ombudsman found no fault by the Council.
Planning and Development	Dissatisfied with the determination of a planning application.	The Ombudsman found no fault by the Council.
Planning and Development	Dissatisfied with the determination of a planning application.	No worthwhile outcome achievable by further investigation.
Planning and Development	Alleged failure to advise of Section 106 Agreement	No fault in how the Council handled a Section 106 Agreement.

The other complaints submitted to the LGO were as follows:

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

Planning and Development	Referred for local resolution
Planning and Development	Closed after initial enquiries
Planning and Development	Incomplete/invalid

Financial Implications

15. There are no financial implications.

Risk Management Implications

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

Equality and Customer Service Implications

17. 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

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

Appendices:

LGO Annual Review letter of 2020

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

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>

Mid Sussex Complaints Procedure

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