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30 October 2018

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR CUSTOMER SERVICES AND SERVICE DELIVERY** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 7TH NOVEMBER, 2018 at 7.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

	<b>Pages</b>
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence	
3. To receive Declaration of Interests from members in respect of any matter on the Agenda	
4. To confirm the Minutes of the Previous Meeting	<b>3 - 8</b>
5. To consider any items that the Chairman agrees to take as urgent business	
6. Overview Of Complaints - 2017/2018	<b>9 - 26</b>
7. Scrutiny Committee for Customer Services and Service Delivery Work Programme 2018/19	<b>27 - 28</b>

To: **Members of Scrutiny Committee for Customer Services and Service Delivery:**  
Councillors A Boutrup (Chairman), M Belsey (Vice-Chair), J Belsey, L Bennett, M Binks, P Bradbury, C Catharine, B Forbes, C Fussell, S Ellis, G Heard, Anthea Lea, H Mundin, K Page and D Sweatman



## Minutes of the Meeting of the Scrutiny Committee for Customer Services and Service Delivery held on 19 September 2018 from 7:00 p.m. to 7:50 p.m.

**Present:** Councillors: Anne Boutrup (Chairman)  
Margaret Belsey (Vice-Chairman)

Liz Bennett\*

Cherry Catharine\*

John Belsey

Howard Mundin

Michelle Binks

Sandy Ellis

Anthea Lea

Kirsty Page\*

Pete Bradbury

Claire Fussell\*

Ginny Heard

Dick Sweatman

\*Absent

**Also Present (Cabinet Members):** Councillor Thomas-Atkin. Apologies were received from Councillor Marsh.

### 1. **SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4**

Councillor Holden substituted for Councillor Page.

### 2. **APOLOGIES**

Apologies had been received from Councillors Bennett, Catharine, Fussell and Page.

### 3. **DECLARATIONS OF INTEREST**

None.

### 4. **MINUTES**

The Minutes of the meeting of the Committee held on 2 July 2018 were agreed as a correct record and signed by the Chairman.

### 5. **TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

### 6. **THE ROLE OF THE LOCAL LAND CHARGES TEAM AT MID SUSSEX DISTRICT COUNCIL**

Daniel James, Senior Local Land Charges Officer, introduced the report which informed Members of the work carried out by the Local Land Charges Business Unit. The report specifically focused on the Local Land Charges function, the registration of Local Land Charges (LLC) and the time it takes to complete and return Local Authority Official Searches, which is an important element of achieving fast and efficient property transactions.

The Officer informed the Committee that the team registers each property or piece of land in the district; the register includes details including planning permission, highways, covenants and restrictions and provides a history for the property or land. The Officer

advised that it is a competitive market and the team work to maximise the council's market share and 99% of searches are completed in 3 – 5 working days.

The Chairman thanked the team for the helpful report which provided a clear understanding of their work.

A Member asked about the information provided on the register. The Officer advised that it could include Section 106 agreements, water and drainage agreements or any matter that would restrict the use of the land or would have a financial implication.

In response to a Members question concerning marketing work to increase the Council's share of the market, the Officer advised that they had undertaken a recent marketing exercise by visiting local estate agents in each of the local towns and villages in the district to inform them of the work completed by the team. They advised the estate agents of the difference between a local authority search and a personal search, and informed them that the Local Land Charges (LLC) Team had a quick response rate, had local knowledge and the fee was based on a cost recovery basis. We also cross check the information revealed in a search with the source documents held at MSDC.

A Member asked how many searches were completed by the team. The Officer advised that the demand is seasonal (typically more over the summer and less at Christmas). The volumes are also influenced by the economy and politics nationally. Tom Clark, Head of Regulatory Services, informed the Committee that the demand is market led and can peak i.e. if the Chancellor gives a deadline for a change in the stamp duty threshold but recent press coverage had advised that some local authorities take weeks to process searches.

In response to a query regarding the 20 working day deadline for Freedom of Information requests the Head of Regulatory Services advised this is a statutory deadline and the LLC is a paid for service so the applicant receives a quicker response time. The Member responded that they were commenting on the automated email which advises that some departments have a 20 working day deadline to reply e.g. the planning department. The Senior Local Land Charges Officer advised that the planning department also provide a drop-in session where the public can receive a quicker reply.

Simon Hughes, Head of Digital, Customer Service and HR, informed the Committee that some service level agreements are governed by legislation and whilst others are a reasonable time to reply. He added that Customer Service standards for responses to the public would be reviewed later on in the municipal year.

A Member queried the charge for private companies accessing the data. The Senior Local Land Charges Officer advised that the register is paper based and private companies can book a half hour appointment to view the Local Land Charges Register and much of the Con29 information is freely available online and on the computers in the council offices. However some Con29 information, for example Building Control applications are not available online. The Con29 contains over 60 questions and private companies can order these in any combination up to the complete set, but this is a paid for service.

In response to a query concerning the cost of this service the Officer advised it is calculated on a cost recovery cost basis. He could not comment on the fees levied by private companies; however they are profit making companies. The Head of Regulatory Services informed the Committee that this area has been subject to litigation and historically private companies have made threats of anti-competitive behaviour. The Council would like to maintain its share of the market without a legal challenge.

The Chairman noted that no Member wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

## **7. DIGITAL PROGRAMME 2018/19 PROGRESS - INCLUDING OVERVIEW OF GDPR PREPARATIONS**

The Chairman advised the Committee that a progress report had been received previously and the Council would continue to support more traditional forms of communication. She praised the comprehensive report and advised that the legends were missing from page 18/19, blue represented the old website and green represented the new website.

Simon Hughes, Head of Digital, Customer Services and HR, introduced the report which provided Members with a progress update on the service redesign and digital programme endorsed by the Scrutiny Committee for Customer Services and Service Delivery on the 13th February 2018. It included more detail on the delivery of the priorities and service improvements and efficiencies. It also highlighted some of the challenges in delivering the programme including supplier and market development. The Officer highlighted the challenges and key projects for the coming year and advised that para 54 on p24 should read 19 hours not 19 days.

In response to the Chairman's query on the impact to the non-digital service the Officer advised that the website had been redesigned after discussions with the public regarding the language used and what they wanted to see on the website and all this impacts on the written communications. With regard to work by the waste team the Officer advised that the team would still offer a non-digital service and call residents about their missed bin collection if that was an appropriate method of communication.

The Chairman enquired whether there were had been any breaches with the move to mobile devices and asked how they are protected against data loss. She also requested information on how the risk of loss or damage was calculated and the cost to replace them. The Officer replied that mobile devices have a minimum of two levels of encryption (hardware and software) which protected the data whilst being transferred between devices and restricted access to authorised individuals. The Council has mobile device management software which can selectively wipe data if required. Small devices are protected by hard cases and the only damage to date was a cracked screen which occurred when the device had been removed for the protective outer case. With regard to replacing equipment the Officer advised that the Council is reducing the lifecycle of laptops to three years which will then provide a contingency for breakage.

In response to a query concerning the emptying of dog waste bins, the missed response rate for answering calls and the savings anticipated with the recent changes, the Officer advised that the data from these bins is now being tracked and can be mapped but the project is still in the early phase, information is received directly by SERCO. The Officer advised that the target time to respond to calls was 30 seconds and the average response has been reduced to 19 seconds. However, the response rate would drop at peak periods when the public are available to call the Council i.e. lunchtimes; they are looking at ways to direct calls to relevant officers but only once the current telephony system is replaced.

The Officer informed the Committee that the Customer Relationship Management System (CRM) was replaced as it had reached the end of its contract and the savings of staff time have been used by redeploying staff to provide other services to customers. He advised that there is a de minimus staffing level to cover response times at peak periods.

A Member asked about the future plan and new telephony system, how could the Council quantify the efficiency savings which were built into the business plan. The Cabinet Member for Customer Services informed the Committee that the time to answer calls and the level of customer service provided is regularly monitored. The team provide a good service on a continual basis, even when training new staff, and some calls can be long. The Head of Digital, Customer Services and HR added that benefits realisation is hard to prove, savings might be made on procurement and maintenance but more significant efficiencies are made on how the service is redesigned. For example, calls can go directly to an officer wherever they are as the number follows them rather than being tied to a single phone. This can improve response times.

In response to a comment on overflowing dog waste bins and their locations, the Head of Digital, Customer Services and HR advised that the location of the waste bins can be shared with the Town Councils and that each bin has a unique number denoting its location.

A Member commented on the progress of transferring data to the Cloud and queried whether officers would work from home in the future and if the Council would rent out the surplus office space similar to Eastbourne Council. In response the Officer advised that there were options for officers to work whilst out on site and such technology is supporting the Building Control department. The Council has home working policies and mechanisms in place and this could have a greater impact on the Revenues and Benefits Teams by allowing the use of peripatetic staff to cover for surges in demand.

The Chairman noted that no Member wished to speak so moved to the recommendations in the report which was agreed unanimously.

## **RESOLVED**

The Committee:

- a) Noted the progress of the service design and digital programme in the past year;
- b) Considered the work for the service design and digital programme for 2018/19 into 2019/20; and
- c) Considered any particular priorities that they would wish to see given within the service design and digital programme.

## **8. SCRUTINY COMMITTEE FOR CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2018/19**

Tom Clark, Head of Regulatory Services, confirmed that there would be reports on the Customer Services, Open Spaces Review, Waste Recycling Review and Leisure Contract Update later on in the municipal year.

**RESOLVED**

The Committee noted the Committee's Work Programme as set out at paragraph 5 of the report.

**9. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN**

None

Meeting closed at 7:50 pm.

Chairman

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## OVERVIEW OF COMPLAINTS – 2017/2018

REPORT OF: Simon Hughes, Head of Digital and Customer Services  
Contact Officer: Karen Speirs, Customer Services Manager, Customer Services and Communications Email: karen.speirs@midsussex.gov.uk 01444 477510  
Wards Affected: (All)  
Key Decision: No  
Report to: Scrutiny Committee for Customer Service and Service Delivery  
7<sup>th</sup> November 2018

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### Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

### Background

2. In 2017/18 the Council received 232 complaints, a slight increase compared to 207 in the previous year in line with national trends. All complaints were investigated and responded to, 97% within the target times set out within the Council's complaints procedure. The remaining 3% received apologies for any delay in acknowledgement and response, which was due to further time needed for investigations. In the same period the Council also received 267 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.
3. Nationally the LGO registered 17,452 complaints and enquiries compared to 16,863 in 2016/2017 which was a 3.49% increase from 2017/18 and 57% of their investigations were upheld, which increased from 54% the previous year. The LGO made 3622 recommendations to resolve enquiries, compared to 3574 in 2016-17, which included 644 recommendations to improve services for the wider public. The LGO states that complaints should be looked at as the start of a conversation about measuring and responding to concerns and that it is the wider outcomes from investigations that are more important than complaint volumes.
4. 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.
5. 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.

6. The LGO refers to the fact that the majority of 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 second stage complaint regarding enforcement concerns, a page updating residents on enforcement action and reports was created on our website <https://www.midsussex.gov.uk/planning-building/enforcement-of-planning-control/>
7. Similarly, we complete recommendations from complaints rather than waiting for the outcome of any complaints referred to the LGO. For example, one planning complaint that was upheld, the Council had already made an apology and included extra training on the process for checking before uploading comments on applications, and this is why the LGO commented that there was no injustice.

### **Recommendations**

8. **Members are recommended to note the report**

### **Complaints Process**

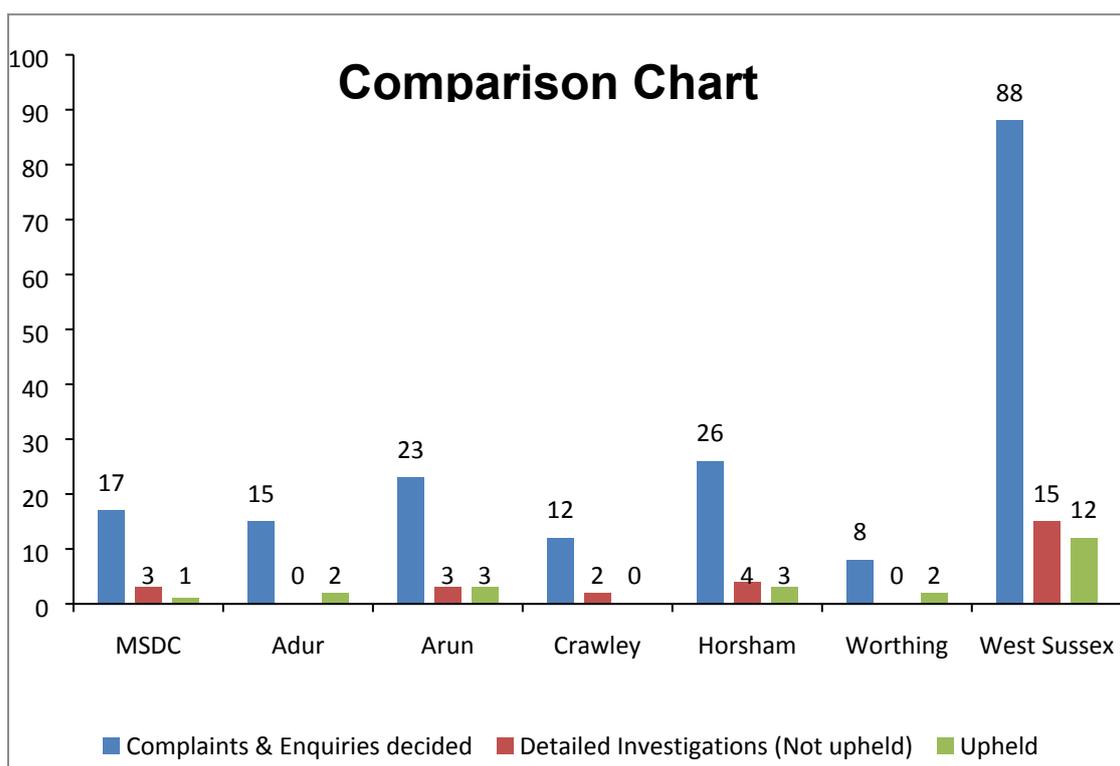
9. The Council has a formal complaints procedure, a copy is attached at appendix B. A summary of all complaints and compliments received are reported to the Portfolio Holder for Customer Services on a monthly basis and reviewed by Business Unit Leaders at their bi-monthly meeting.

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

10. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 are detailed below. A copy of this annual review letter can be found at Appendix A.
11. 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.
12. For comparison, during 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, the LGO received complaints and enquiries from neighbouring local authorities as follows:

<b>Adur</b>	<b>Arun</b>	<b>Crawley</b>	<b>Horsham</b>	<b>Mid Sussex</b>	<b>Worthing</b>	<b>West Sussex County Council</b>
15	22	14	20	19	11	99

13. Decisions made by the LGO for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 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.

14. There were four detailed investigations undertaken by the LGO (two last year) for complaints by Mid Sussex residents. These four investigations were for Planning and Development, only one being upheld. **In comparison in 2016/17 two detailed investigations took place and none of these were upheld.**

Service	Details of Complaint	LGO Summary
Planning and Development	Defamatory accusations in letter which formed part of the planning application comments.	There was fault, however no outstanding injustice as the Council has already apologised and shared lessons of the case with relevant officers.
Planning and Development	Dissatisfied with Delegated Decision Procedure	No fault in how the Council reached its decision to grant planning permission.
Planning and Development	Dissatisfied with enforcement action taken.	No fault found in how the Council dealt with the slow progress of an approved development.
Planning and Development	Erection of an incidental building.	No fault about granting of planning permission for an outbuilding in a neighbouring property and its decision not to take enforcement action against an alleged breach of planning control.

The other complaints submitted to the LGO were as follows:

<b>Service</b>	<b>LGO Summary</b>
Adult Care Services - this may refer to a disabled facilities grant or blue badge query	Referred back for local resolution. (No formal complaint was received by MSDC)
Benefits and Tax	Closed after initial enquiries
Benefits and Tax	Closed after initial enquiries.
Benefits and Tax	Closed after initial enquiries.
Benefits and Tax	Closed after initial enquiries.
Benefits and Tax	Referred back for local resolution – no formal complaint received.
Corporate & Other Services	Closed after initial enquiries.
Corporate & Other Services	Incomplete/Invalid – no formal complaint received.
Environmental Services & Public Protection and Regulation	Closed after initial enquiries.
Housing	Referred back for local resolution. – no formal complaint received.
Planning and Development	Closed after initial enquiries.
Planning and Development	Closed after initial enquiries – no formal complaint received.
Planning and Development	Incomplete/Invalid – no formal complaint received

### **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 2018 - Appendix A

Council's complaints procedure – Appendix B

<https://www.midsussex.gov.uk/media/1290/complaints-procedure.pdf>

### **Background Papers**

Link to Local Ombudsman upholding more complaints about local government:

[www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny)

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18 July 2018

*By email*

Kathryn Hall  
Chief Executive  
Mid Sussex District Council

Dear Kathryn Hall,

### **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

#### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Local Authority Report: Mid Sussex District Council  
 for the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
1	5	2	0	1	0	2	8	0	19

## Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate	
2	0	3	8	3	1	25%	17

### Notes

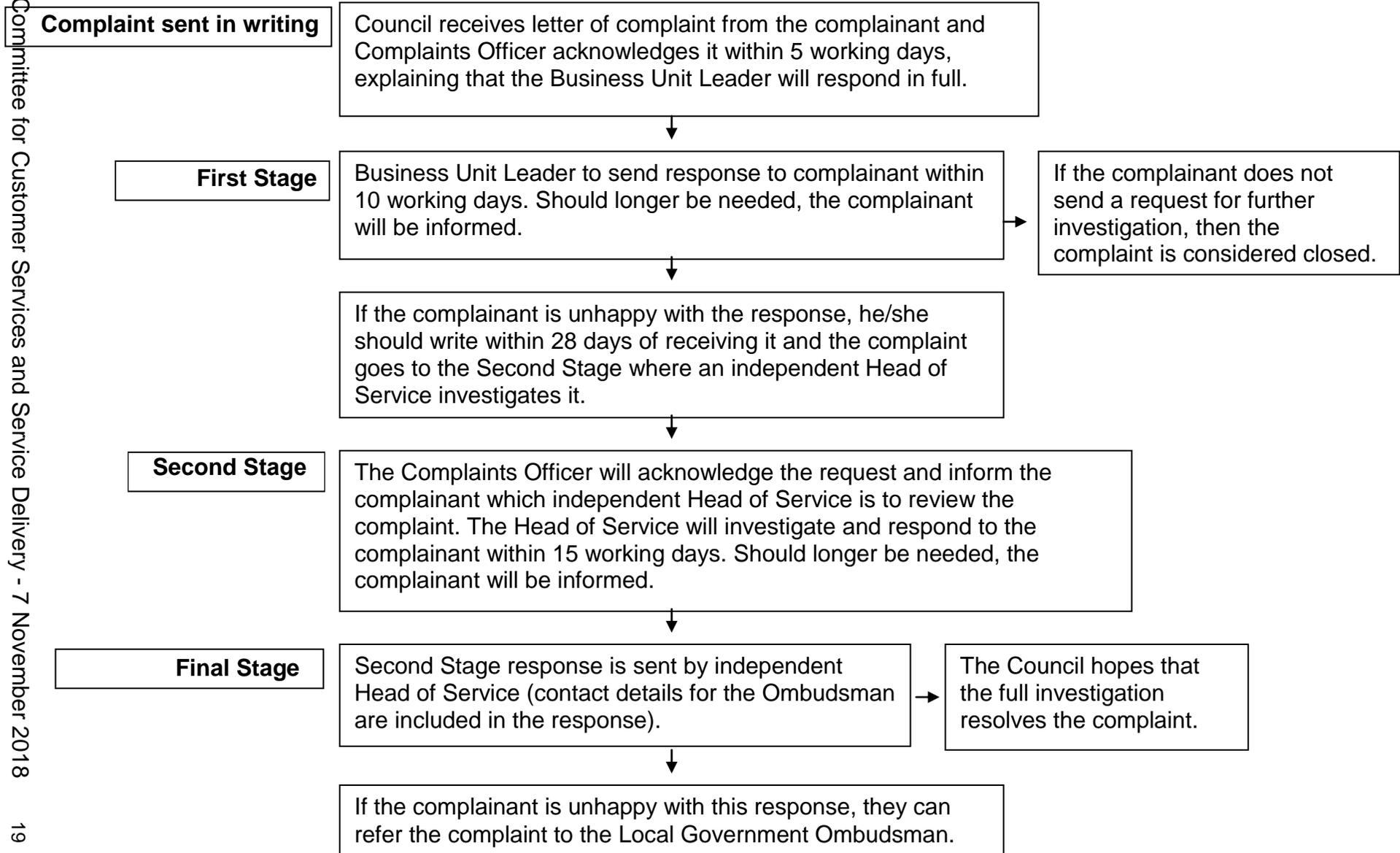
Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints.  
 This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	1

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## Complaints Procedure



## **1.0 Introduction**

- 1.1 The Complaints Procedure applies to complaints against any service area where a request has not been resolved to the satisfaction of the complainant. Any complaint concerning an elected Member, which may be in breach of the Members' code of conduct, will be put through the Standards Committee procedure. Similarly, if a complaint involves the conduct of an employee raising disciplinary concerns, it will be handled through the disciplinary route.
- 1.2 The aim of the procedure is to ensure that all complaints are dealt with in a fair, consistent and thorough manner. Where complaints are justified, the Council aims to remedy the situation and, when possible, resolve the issue to the satisfaction of the complainant. It is important that all responses to complainants should be written in a constructive manner, even if the Council cannot resolve the issue concerned.
- 1.3 A complaint (for the purposes of this Complaints Procedure) is an expression of dissatisfaction about the actions, or lack of actions, by the Council or its staff affecting a person or group. Complaints do not cover requests for a service, requests for information or explanation of Council policy, practice or actions taken, or matters for which there is another right of appeal (an appeal within the Council or to an independent inquiry or tribunal) or a legal remedy.
- 1.4 The procedure does not cover the opinion of an officer in the granting or refusal of planning permission, or a decision taken by a Planning Committee on a planning application. The procedure applies to matters relating to planning applications where it is alleged that there has been some failure of the Council's procedures. If the type of complaint is such that it cannot be agreed whether or not the complaint should be dealt with under the procedure, the Solicitor to the Council will decide if the procedure should apply. If it is decided that the procedure should not apply, the complainant will be helped with his/her complaint by the Ombudsman.
- 1.5 The procedure is to cover the Council's relationship with those outside the organisation and will not, therefore, cover complaints from members of staff concerning their employment. These will be dealt with in line with the Council's employment policies and procedures.
- 1.6 The Complaints Officer, for the purpose of this Complaints Procedure, will be the Senior Customer Services Officer who reports to the Business Unit Leader for Customer Services and Communications.
- 1.7 The Complaints Officer will keep a register of all complaints received and will enter in the register details of the complaints, results of the findings and actions taken. The Complaints Officer will also produce a

Complaints and Compliments Annual Report which is taken to the Performance and Scrutiny Committee.

## **2.0 Making a complaint**

- 2.1 It is important that all complaints are in writing. This can be a letter, either direct to the Complaints Officer or received from a Member of the Council on behalf of a complainant, an e-mail or an on-line form via the Council's website. When requested by the complainant, a complaint may be written out for the complainant by a member of the Council's staff (see 2.3 below).
- 2.2 Where a complaint is initially received orally, the potential complainant will be asked to put the complaint in writing.
- 2.3 Council staff will help a member of the public making the complaint and will write the complaint out for the complainant, if requested to do so. Where possible, the staff member will agree the wording of the complaint with the complainant, before it is submitted.
- 2.4 Where it appears possible to resolve that complaint without the need to take further formal steps, the staff member will try to resolve the complaint to the satisfaction of the complainant. If it is not possible to resolve the complaint at this stage, the action in 2.2 above will be followed.
- 2.5 Once a complaint in writing is received via the website or by letter by the Complaints Officer, it will be acknowledged and then referred to the Business Unit Leader (BUL) responsible for the service. The BUL will be asked to fully investigate the complaint and write a report.
- 2.6 If a complaint is sent direct to the Business Unit Leader (BUL) of the service area concerned, they will send a copy of the complaint to the Complaints Officer **within one working day of receipt**, so that the Complaints Officer can acknowledge the complaint.

## **3.0 Actions to be taken following registration of a complaint**

- 3.1 Upon receipt of the complaint, the Complaints Officer will acknowledge in writing that it has been registered and is being investigated. An acknowledgement will normally be given no later than **five working days** following receipt of the complaint. If the complaint is received via a Member of the Council, a copy of the letter of acknowledgement should also be sent to that Councillor.
- 3.2 The BUL should make sure the investigation is completed and a report written **within ten working days** of when the complaint is made. When it appears that it will not be possible to complete the investigation within ten days, either the Complaints Officer or BUL will write to the

complainant explaining the reasons for the delay, giving a target date for completion. Where the complaint relates to the Freedom of Information Act, the Business Unit Leader will liaise with the Solicitor to the Council.

- 3.3 From the information obtained, the Business Unit Leader will decide if the complaint was justified and what action to take. In special cases, he/she may carry out further investigation, if necessary. If this will delay the result of the investigation being given, the complainant and Complaints Officer will be informed, in writing.
- 3.4 Where officers have tried to resolve the complaint, these actions will be clearly explained in the written response to the complainant. Similarly, if any steps have been taken to change Council procedures or to improve service delivery as a result of the complaint, these shall be clearly explained too.
- 3.5 The letter sent to the complainant at this stage will include details about a right of appeal to an independent Head of Service (not responsible for the service concerned) to further investigate the matter. The complainant will be advised that if he/she wishes to appeal that they should contact the Complaints Officer who will send the complaint to a Head of Service. Cases will be sent to Heads of Service on a rotational basis.

#### **4.0 Appealing**

- 4.1 Once an appeal is received, the independent Head of Service who the complaint has been allocated to, will ask the Business Unit Leader involved to supply a copy of the report on the complaint together with any other important information. At this time, the Complaints Officer will send an acknowledgement of the appeal to the complainant.
- 4.2 The Head of Service will consider the information and decide if further investigation is needed. If the Head of Service decides that further investigation is needed, he/she may require such further steps to be taken.
- 4.3 The Head of Service will complete investigations within **fifteen working days** and will write to the complainant to tell him/her if the appeal has been successful and of any further steps are to be taken.
- 4.4 The letter from the Head of Service will include information about a right of appeal giving details of how to make a complaint to the Local Government Ombudsman. If it is a Freedom of Information Act complaint, then the complaint needs to be made with the Information Commissioner. A copy of the letter will be sent to the Complaints Officer, the Business Unit Leader concerned and to the Head of Service responsible for the service.

## **5.0 Actions to be taken at the end of the complaints process**

- 5.1 The complaints process ends when either the appeal to an independent Head of Service has been completed or, in the case of a complaint that does not proceed to appeal, when the complainant states that he/she does not want the complaint to go any further. If no further contact is received, **after 28 days** from the date of the letter referred to in paragraph 4.3 being sent then the complaint is ended, considered resolved.
- 5.2 Management Team will receive a quarterly report on complaints and compliments as well as an annual report ahead of the Performance and Scrutiny Committee. The Complaints and Compliments Annual Report will contain details of service improvements made as a result of complaints dealt with.
- 5.3 The Report will invite the Performance and Scrutiny Committee to call for further reports on any specific areas of concern and to make any recommendations about service improvements they consider appropriate.

## **6.0 Habitual or vexatious complainants**

- 6.1 This outlines cases where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations. The term 'habitual' means 'done repeatedly or as a habit'. The term 'vexatious' means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This procedure tries to help in these kinds of cases.
- 6.2 Habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time-consuming and wasteful of resources in terms of Officer and Member time using resources that could be spent on Council priorities. While the Council tries to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done.
- 6.3 The following definition of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of:
  - (i) unreasonable complaints and/or unrealistic outcomes; and/or
  - (ii) reasonable complaints in an unreasonable manner.

Before considering using this, the Solicitor to the Council will send a summary of this procedure to the complainant.

- 6.4 Where complaints continue and have been identified as habitual or vexatious, the Solicitor to the Council (following discussions with the

service Business Unit Leader) will take a report to the Management Team for agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken.

- 6.5 The Solicitor to the Council will inform complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Solicitor to the Council will also notify the Mid Sussex District Council Ward Member that a resident has been termed as a habitual or vexatious complainant.
- 6.6 Once a complainant has been termed as habitual or vexatious, their status will be kept under review **after one year** and monitored by the Solicitor to the Council with reports being taken to the Management Team, as required. If a complainant then shows a more reasonable approach then their status will be reviewed.
- 6.7 Complainants (and/or anyone acting on their behalf) may be termed as habitual or vexatious if previous or current contact with them shows that they meet **one** of the following :
- Where complainants:
- Continue with a complaint where the Council's complaints process has been fully and properly used and exhausted.
  - Continue changing the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions while the complaint is being addressed. (Care must be taken, however, not to ignore new issues, which are very different from the original complaint, as they need to be addressed as separate complaints.)
  - Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to prove when a long period of time has passed.
  - Repeatedly do not clearly identify the exact issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
  - Regularly focus on a trivial matter, to an extent that is out of proportion to its significance, and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
  - Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be stopped and the complaint will only be continued through written communication. The Council has decided that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be

informed of this in writing together with notification of how future contact with the Council is to be made.

- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgement will be used to decide what is excessive contact taking into account the specific circumstances of each individual case.
- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. (Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.)
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Make unreasonable demands on the Council and its employees, failing to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- Make unreasonable complaints which put a significant pressure on the resources of the Council and where the complaint:
  - clearly does not have any serious purpose or value; or
  - is designed to cause disruption or annoyance; or
  - has the effect of harassing the public authority; or
  - can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Make many complaints which ignore the replies Council Officers have supplied.

- 6.8 Options for dealing with habitual or vexatious complainants can be used on their own or together depending on the case and whether or not the complaint process is ongoing or completed.
- A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are ignored, consideration will then be given to using other action as shown below.
  - Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any mix of these, provided that one form of contact is kept up. This may also mean that only one named officer will be nominated to keep contact (and a named deputy in their absence). The complainant will be notified of this person.
  - Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing

contact on the matter will serve no useful purpose. The complainant will also be informed that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and the Council does not intend to engage in further correspondence dealing with the complaint.

- Inform the complainant that in special cases the Council will seek legal advice on habitual or vexatious complaints.
- Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking advice or guidance from the Solicitor to the Council or other relevant agencies, such as the Local Government Ombudsman or External Auditor.

October 2018

## 7. SCRUTINY COMMITTEE FOR CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2018/19

REPORT OF: Tom Clark, Head of Regulatory Services  
Contact Officer: Alexander Austin, Member Services Officer  
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Tel: 01444 477067  
Wards Affected: All  
Key Decision: No

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### Purpose of Report

1. For the Scrutiny Committee for Customer Services and Service Delivery to note its Work Programme for 2018/19.

### Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

### Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
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### Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

### The Work Programme

5. The Committee's Work Programme for 2018/19 is set out below:

Meeting date	Item	Reason for Inclusion
23 January 2019	Environmental Enforcement Powers	
13 March 2019	TBC	

### Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

### Financial Implications

7. None.

### **Risk Management Implications**

8. None.

### **Background Papers**

None.