

OVERVIEW OF COMPLAINTS – 2020/2021

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 Services and Service Delivery
2nd February 2022

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2020 to 31st March 2021. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

Background

2. In 2020/21 the Council received 181 complaints, and 94% 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 575 compliments. This compares to 230 complaints and 336 compliments received in 2019/20. 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. The number of complaints and compliments for each service are also reported monthly to Members through their monthly update.
3. The LGO received and decided fewer complaints from the public in 2020-21 than in a typical year which was 11,830 compared to 17,019 in 2019-20. One of the factors in this may have been that the LGO had a three month pause in complaints and resumed its normal operations in June 2020. This was to take into account the additional pressures on local government due to COVID-19.
4. Of the 11,830 complaints, 67% of their investigations were upheld, which increased from 61% the previous year. The LGO's latest report on the Council's performance can be viewed via the following link <https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/statistics>
5. You will note in the tables in paragraphs 14 and 15 below that during 2020/21, fifteen complaints were received by the LGO for investigation and there were thirteen decisions made by the LGO during 2020/21. Six of these were closed after initial enquiries, two were referred back for local resolution, one was incomplete/invalid and four were investigated in further detail and of these, three complaints were upheld, the other not upheld. Of these four that were investigated this equates to 75% compared to an average of 53% 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 99.5% in similar authorities. Mid Sussex had already provided a satisfactory remedy in 33% of upheld cases, compared to 16% in similar authorities.

6. This compares to 2019/20 when fourteen complaints were received for investigation by the LGO and seventeen decisions received on complaints. The decisions on these seventeen were that seven of the complaints were closed after initial enquiries, three referred for local resolution, one as incomplete/invalid and of the six detailed investigations two complaints were upheld by the LGO.
7. Nationally, the LGO carried out 3,330 detailed investigations compared with 4217 in 2019/20. The percentage of these relating to Education and Children's Services or Adult Social Care was 35%, with 77% of these investigations upheld. The lowest percentage of complaints nationally being for Corporate and other services where 60% of detailed investigations were upheld.
8. The LGO in their report state that:

They are finding fault more often, 67% for 20/21 to 61% in 19/20 and it is encouraging that compliance by Councils with the recommendations made by the LGO remains high. However, the LGO are concerned about the erosion of effective complaint functions in some local authorities, as it is often complaints which drive service improvements.

The LGO recommended 1,488 service improvements, up 2% on the previous year as a proportion of all recommendations made.
9. 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 33% of upheld cases the Council had provided a satisfactory remedy prior to the LGO decision, compared to 16% in similar authorities.
10. 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

11. Members are recommended to note the report

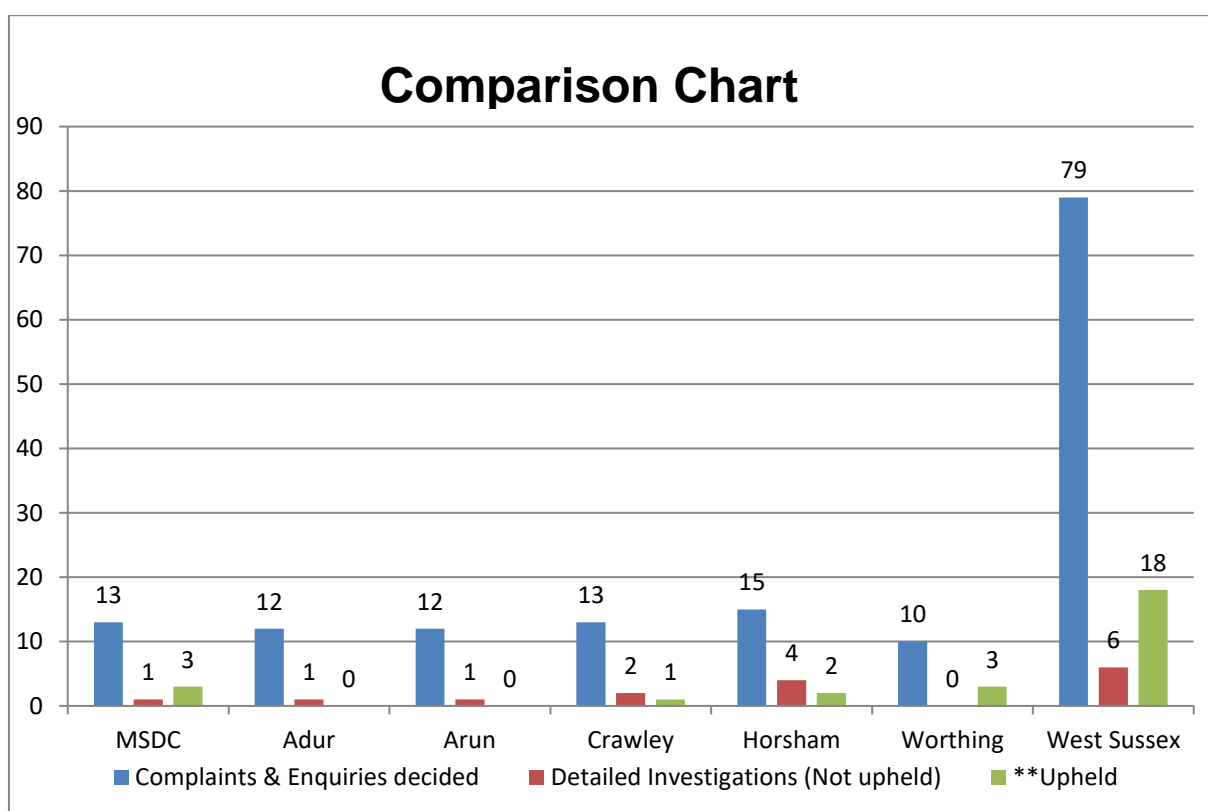
Complaints Process

12. 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 also included in our Monthly Members Information Service. Business Unit Leaders and Heads of Service are also advised of complaints which are being investigated by the LGO.
13. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1st April 2020 to 31st March 2021 are detailed below. A copy of this annual review letter can be found in the appendices.

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 2020 to 31st March 2021, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
13	15	11	12	15	10	89

16. Decisions made by the LGO for the period 1st April 2020 to 31st March 2021 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 four detailed investigations undertaken by the LGO in 2020/21 into complaints by Mid Sussex residents. These four investigations were for Planning and Development, Council Tax and Community Services with three being upheld.

Service	Details of Complaint	LGO Summary
Planning and Development	Household notification letter not sent in error for works to trees taking place.	Complaint upheld. Although fault was found, no injustice was caused as application was properly considered, which included some of the points the complainant would have made. Council apologised for not notifying resident and further training given regarding the process for identifying properties.
Planning and Development	Complaint about the handling of an application regarding removal of a protected tree.	Complaint upheld. Although fault found, the complaint was closed because the identified fault did not cause significant injustice..
Benefits and Tax	Delay in refunding of council tax.	Complaint upheld. Although fault found, the Council had already apologised and paid £50 in compensation for any stress and financial pressure caused and the LGO agreed with this action.
Community Safety, Policy and Performance	Dissatisfied with experience with the Community Safety Team regarding an anti-social behaviour complaint.	Complaint not upheld. The Ombudsman found no fault by the Council.

The other complaints submitted to the LGO were as follows:

Service	LGO Summary
Environmental Services and Public Protection Regulation	Closed after initial enquiries. (Complaint about overhanging tree policy from council owned land.)
Corporate and other services.	Closed after initial enquiries. (Complaint about closure of Clair Hall.)
Highways and transport	Closed after initial enquiries. (Complaint about a penalty charge notice.)
Housing	Closed after initial enquiries. (Complaint about the direct let scheme.)
Highways and Transport	Closed after initial enquiries. (Dissatisfied with cycle path information and road safety issues.)
Planning and Development	Closed after initial enquiries. (Complaint regarding sash windows.)
Housing	Referred back for local resolution.
Housing	Referred back for local resolution.
Planning and Development	Incomplete/invalid

Financial Implications

17. There are no financial implications

Risk Management Implications

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

Equality and Customer Service Implications

19. 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

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

Appendices:

LGO Annual Review letter of 2021:

<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>