

OVERVIEW OF COMPLAINTS – 2017/2018

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
7th November 2018

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2017 to 31st 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

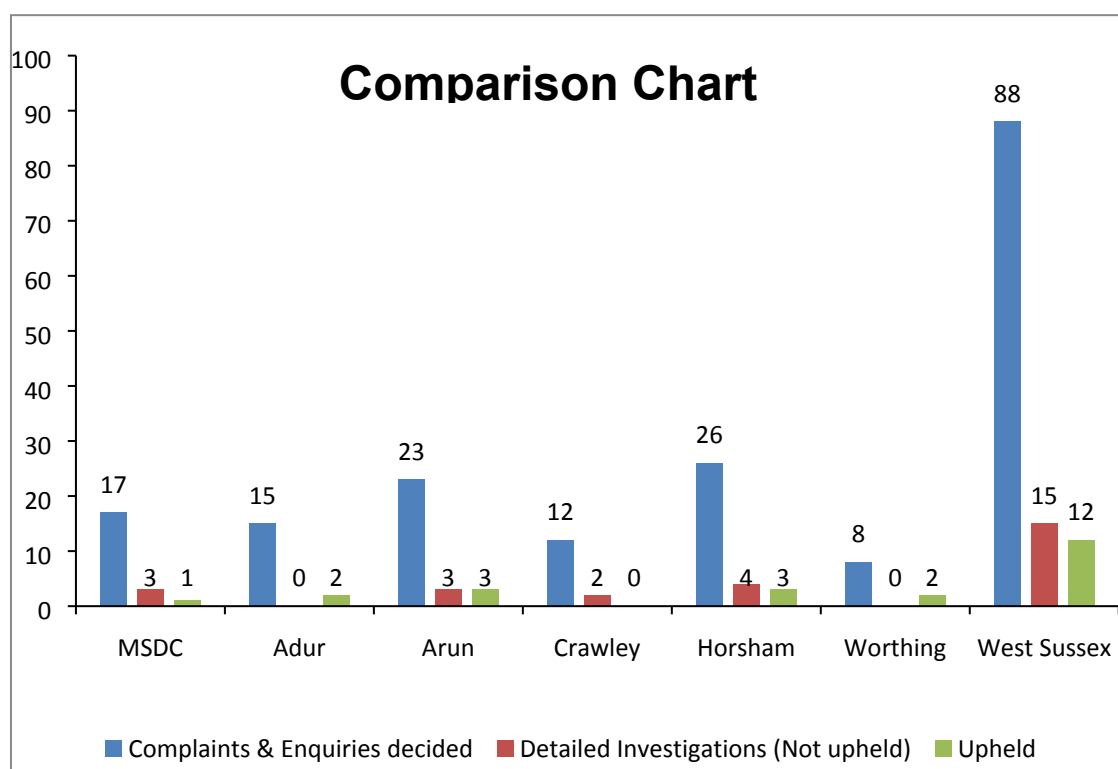
9. The Council has a formal complaints procedure, a copy is attached at appendix B. A summary of all complaints and compliments received are reported to the Portfolio Holder for Customer Services on a monthly basis and reviewed by Business Unit Leaders at their bi-monthly meeting.

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 1st April 2017 to 31st 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 1st April 2017 to 31st March 2018, the LGO received complaints and enquiries from neighbouring local authorities as follows:

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

13. Decisions made by the LGO for the period 1st April 2017 to 31st 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:

Service	LGO Summary
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