

SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 5
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Report of the Executive Director of Strategic Resources

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COMPLAINTS MONITORING REPORT 2009/10

1. PURPOSE

- 1.1 To provide a summary of formal complaints monitored between 1 April 2009 and 31 March 2010 which fall under the Corporate Complaints' Policy.
- 1.2 To enable the Committee to scrutinise the annual report from the Local Government Ombudsman (LGO) about the council's performance on complaints.

2. RECOMMENDATIONS

- 2.1 That the Committee scrutinises the information presented in this report regarding complaints received between 1 April 2009 and 31 March 2010 and make any appropriate recommendations.

3. BACKGROUND

- 3.1 This report analyses the performance of the Council's formal Corporate Complaints Procedure between 1 April 2009 and 31 March 2010. It is important to note that this report does not include complaints that fall outside the Corporate Complaints Policy, for example, complaints relating to schools, Statutory Children Social Care and Adult Social Care. However from July 2010 the Statutory Children Social Care complaints function was transferred to the Central Complaints team and will be included within next year's report.
- 3.2 The Corporate Complaints Policy has three-stages:
 - Stage One (First Contact Complaint)
 - Stage Two (Service Review)
 - Stage Three (Independent Person Review)

Stage	Action	Timescale
1	The council aims to settle the majority of complaints quickly and satisfactorily through the 'front line' employees who provide the service or the relevant manager. The complaint may be resolved informally by way of an apology, by providing the service required, or providing an explanation to the customer.	10 Working Days *
2	If the customer is not happy with the decision at Stage 1, he/she can appeal to the Central Complaints Office, who ask the relevant Head of Service or Assistant Director to investigate the complaint fully and provide a written response to the customer.	15 Working Days
3	If the customer is not happy with the decision at Stage 2, he/she can appeal to the Chief Executive who will appoint an independent person to investigate the complaint fully and provide a written report to the customer.	30 Working Days

Note: * Stage 1 complaints can be responded to in various ways depending on how the customer contacts the council and the complexity of the complaint. For example, it is hoped that the majority of complaints will be resolved without delay on the telephone or in person, but those that are sent in by letter should be responded to within the corporate standard of 10 working days.

4. STAGE ONE COMPLAINTS (FIRST CONTACT COMPLAINTS)

4.1 During 2009/10 the Central Complaints Office (CCO) received more detailed monthly returns from each department across the Council. The table below shows the number of Stage 1 complaints received for each department during 2009/10 including those that were received and logged by the CCO. The data for the previous year is included to allow comparisons to be made.

Table 2: The number of Stage One complaints				
Department	2008/2009		2009/2010	
	Total complaints received	Logged by CCO	Total complaints received	Logged by CCO
Chief Executive's Dep't	43	32	2	6
Children's Services	12	2	3	3
City Services	105	52	87	54
Operations	173	83	151	81
Strategic Resources	108	29	123	55
TOTAL	441	204*	366	199

* 6 complaint cases fell under a number of different departments

- 4.2 Table 2 illustrates a decrease in the number of Stage 1 complaints overall. The decrease in Stage 1 complaints can be attributed to various factors such as better record keeping to avoid repeat complaints, to ensuring only matters that fall under the complaints policy are treated as complaints. For example customers complaining about benefit or housing decisions will be advised of their appeal rights rather than pursuing matters as a complaint.
- 4.3 Following the request made by the Committee last year, more detailed data is now collected from each service area on a monthly basis so that it is possible to provide a more in depth look at each complaint we receive, such as which category it fell into and its outcome. In previous years this information could only be obtained about the complaints logged by the CCO, we can now provide a full picture about all stage 1 complaints logged across the authority.
- 4.4 All complaints are classified into a category that represents the explanation of the complaint. The table overleaf shows breakdown by category for all stage 1 complaints logged between 2009/10 (examples of each category are given in table 17 in paragraph 8.6)

Table 3: Category Breakdown	Not To Standard	Poor Facility/Building	Broken Promise/Appointment	Staff Attitude Conduct	Breach Of Confidentiality	Denial/Withdrawal Of Service	Delayed/Failed Service	Lack Of/Incorrect Info About A Service	About Legislation	About Policy	Other	Overall
Chief Executives Department	0	0	0	0	0	0	1	0	1	0	0	2
Communications	0	0	0	0	0	0	0	0	0	0	0	0
Legal Services	0	0	0	0	0	0	1	0	0	0	0	1
Democratic Services	0	0	0	0	0	0	0	0	1	0	0	1
Strategic Growth and Development	0	0	0	0	0	0	0	0	0	0	0	0
Human Resources	0	0	0	0	0	0	0	0	0	0	0	0
Strategic Resources	1	4	1	26	2	3	52	3	9	6	16	123
Customer Services (inc Register Office)	0	4	0	22	2	3	32	1	0	0	0	64
Revenues and Benefits	1	0	1	4	0	0	18	1	9	6	15	55
Corporate Services	0	0	0	0	0	0	0	0	0	0	0	0
ICT	0	0	0	0	0	0	0	0	0	0	0	0
Business Transformation	0	0	0	0	0	0	0	0	0	0	0	0
Shared Transactional Services	0	0	0	0	0	0	2	1	0	0	1	4
Childrens Services	0	0	0	0	0	0	1	1	0	1	0	3
Learning & Skills	0	0	0	0	0	0	1	0	0	0	0	1
Family & Communities	0	0	0	0	0	0	0	0	0	0	0	0
Resources	0	0	0	0	0	0	0	1	0	1	0	2
Commissioning & Performance	0	0	0	0	0	0	0	0	0	0	0	0
Operations Department	5	6	2	21	3	4	45	10	13	19	23	151
Planning Delivery Services	0	0	1	0	1	0	15	1	11	9	1	39
City Centre Services	1	0	0	1	1	1	1	0	0	0	5	10
Environment, Transport and Engineering	3	1	1	7	0	0	20	2	1	6	7	48
Neighbourhood Services	0	0	0	8	1	0	6	2	1	4	7	29
Environmental and Public Protection	0	0	0	1	0	1	1	0	0	0	0	3
Cultural Services	1	5	0	4	0	2	2	5	0	0	3	22
City Services	0	0	0	11	0	2	65	2	0	3	4	87
Building Maintenance	0	0	0	0	0	0	0	0	0	0	0	0
Street Scene and Facilities	0	0	0	11	0	1	65	2	0	3	4	86
Recreation	0	0	0	0	0	1	0	0	0	0	0	1
Support Services	0	0	0	0	0	0	0	0	0	0	0	0
Property Services	0	0	0	0	0	0	0	0	0	0	0	0
Overall	6	10	3	58	5	9	164	16	23	29	43	366

4.5 Delayed failed service is the most common category with just under 45% of the total number of stage 1 complaints received falling into this category. The second most common category is about staff attitude/conduct with almost 16%.

4.6 Table 4 shows the outcomes for all stage 1 complaints registered between 2009/10.

Table 4: Outcomes	Upheld	Not Upheld	Partially Upheld	Overall
Chief Executives Department	0	1	1	2
Communications	0	0	0	0
Legal Services	0	0	1	1
Democratic Services	0	1	0	1
Strategic Growth and Development	0	0	0	0
Human Resources	0	0	0	0
Strategic Resources	37	56	30	123
Customer Services (inc Register Office)	26	20	18	64
Revenues and Benefits	10	34	11	55
Corporate Services	0	0	0	0
ICT	0	0	0	0
Business Transformation	0	0	0	0
Shared Transactional Services	1	2	1	4
Childrens Services	1	2	0	3
Learning & Skills	0	1	0	1
Family & Communities	0	0	0	0
Resources	1	1	0	2
Commissioning & Performance	0	0	0	0
Operations	47	81	23	151
Planning Delivery Services	10	22	7	39
City Centre Services	4	4	2	10
Environment, Transport and Engineering	18	23	7	48
Neighbourhood Services	7	18	4	29
Environmental and Public Protection	0	3	0	3
Cultural Services	8	11	3	22
City Services	54	20	13	87
Building Maintenance	0	0	0	0
Street Scene and Facilities	54	19	13	86
Recreation	0	1	0	1
Support Services	0	0	0	0
Property Services	0	0	0	0
Overall	139	160	67	366

4.7 It shows that 37.9% of stage 1 complaints were upheld, 43.7% not upheld and 18.3% as being partially upheld.

5. STAGE TWO COMPLAINTS (SERVICE REVIEW)

5.1 Table 5 breaks down the Stage 2 complaints by department, for the last two years the total number has been the same. Table 6 further breaks down the data by business unit.

Table 5: Stage Two Complaints By Dept	2008-2009	2009-10
Chief Executive's Department	6	2
Children's Services	1	0
City Services	12	6
Operations	30	38
Strategic Resources	11	14
Overall	60	60

5.2 Table 6 gives greater detail of the business units who have had Stage 2 complaints over the last two years.

Table 6: Stage Two Complaints By Business Unit	2008-09	2009-10
Chief Executive's Department	6	2
Legal and Democratic	0	2
Strategic Growth and Development	6	n/a
Children's Services Department	1	0
Learning and Standards	1	0
City Services	12	6
Recreation	3	0
Street Scene and Facilities	9	6
Operations	30	38
City Centre Operations	n/a	2
Cultural Services	4	5
Environment Transport and Engineering	8	9
Neighbourhoods	8	11
Planning Services	10	11
Strategic Resources	11	14
Customer Services	0	2
Revenues & Benefits	6	11
Strategic Property	5	1
Overall	60	60

- 5.3 Table 7 shows that 98.3% of stage two complaints were acknowledged within 2 working days, the same figure as last year. Unlike Stage 1 complaints all Stage 2 complaints are logged and monitored by the Central Complaints Office and are directed to the relevant Head of Service for a response. It is important to acknowledge all complaints promptly but very occasionally there is a delay whilst trying to establish which department needs to investigate.

Table 7: Stage Two Response Times	2007-08	2008-09	2009-10
The percentage of Stage 2 complaints acknowledged within 2 working days	95.70%	98.30%	98.30%

- 5.4 During 2009-10, 81% of all stage two complaints were responded to within 15 working days (See Table 8). This is an improvement on the 2008-09 performance (71%). Although the same number of cases went to Stage 2 as the previous year a much smaller percentage were then escalated to Stage 3. Complaint customers clearly value being treated with priority and the time taken to respond is an important factor in producing a satisfactory outcome to the complainant. The overall quality of Stage 2 responses has also improved due to ongoing training in this area.

Table 8: Stage 2 Complaints Responded To Within 15 Working Days	2007-08	2008-09	2009-2010
Chief Executive's Dep't	75%	83.30%	50%
Children's Services	100%	0%	N/A
City Services	100%	72.7%	100%
Operations	87.2%	69.7%	78.9%
Strategic Resources	80.0%	81.8%	85.7%
Overall	85.10%	71.10%	81.70%

- 5.5 Table 9 & 10 breaks down the stage 2 complaints received during 2009/10 by category and final outcome (examples of each category are given in table 17 in paragraph 8.6)

Table 9: Stage 2 Category Breakdown	No.
Not to standard	9
Poor Facility/Building	3
Broken Promise/Appointment	1
Staff Attitude Conduct	4
Breach Of Confidentiality	0
Denial/Withdrawal Of Service	1
Delayed/Failed Service	29
Lack Of/Incorrect Info About A Service	4
About Legislation	2
About Policy	6
Other	1
Total	60

Table 10: Stage 2 Outcome Breakdown	No.
Upheld	12
Not Upheld	34
Partially Upheld	14
Total	60

6. STAGE THREE COMPLAINTS (INDEPENDENT PERSON REVIEW)

- 6.1 During 2009-10, the Council received 16 stage three complaints, compared to 25 during 2008-09. 100% of these were acknowledged within 2 working days.

Table 11: Stage 3 Complaints by Directorate 2009/10	
Chief Executive's Dep't	0
Children's Services	1
City Services	1
Operations	11
Strategic Resources	3
Overall	16

- 6.2 Complaints at Stage 3 are investigated by the Compliance and Ethical Standards Team. The investigators are asked to investigate and prepare a report within 20 working days. This is then provided to the Chief Executive so that it can be considered and a final response sent to the complainant within a further 10 working days. Sometimes the complexity of cases requires the 20 day investigation period to be extended. We have seen a reduction in the number of cases which were escalated to Stage 3. However correspondingly a greater number of the remaining cases were complex which meant extended timescales needed to be agreed in half of the remaining cases. In 7 of the 16 cases the decision was the same as that made at Stage 2, 8 cases had a different outcome and 1 went straight to Stage 3. Where the decision at Stage 3 differed from the Stage 2 this changed a Not Upheld case to a Partially Upheld. This shows there is still some merit in having a three Stage process but we will continue to keep this under review. Only 4 of these complaints were subsequently referred to the Ombudsman and in each case the Ombudsman's decision was in line with the Council's findings.
- 6.4 Tables 12 & 13 break down the stage 3 complaints received during 2009/10 by category and final outcome. (examples of each category are given in table 17 in paragraph 8.6)

Table 12 : Stage 3 Category Breakdown	No.
Not to standard	1
Poor Facility/Building	0
Broken Promise/Appointment	0
Staff Attitude Conduct	2
Breach Of Confidentiality	0
Denial/Withdrawal Of Service	1
Delayed/Failed Service	6
Lack Of/Incorrect Info About A Service	1
About Legislation	0
About Policy	4
Other	1
Total	16

Table 13: Stage 3 Outcome Breakdown	No.
Upheld	0
Not Upheld	4
Partially Upheld	12
Total	16

7. THE LOCAL GOVERNMENT OMBUDSMAN (LGO)

- 7.1 In July each year the LGO provides an annual review to the Council. The aim of the review is to provide a summary of complaints received in respect of Peterborough City Council and includes comments on performance and complaint-handling to assist us with service improvements that contribute to improved customer service.
- 7.2 For 2009/10 the LGO received 45 complaints and enquiries relating to Peterborough City Council, compared to the 43 that were raised the previous year.
- 7.3 Some enquiries will result in general advice being given to the customer or with the LGO asking the customer to use the Council's own complaints policy before they will become involved.
- 7.4 The LGO proceeded to investigate 24 of these complaints about the Council, the same number of cases as the previous year.
- 7.5 The table below outlines the number and types of decisions the Ombudsman made during the last three years.

Table 14 : Ombudsman's Decisions	2007-08	2008-09	2009-2010
Maladministration	0	1	0
Local Settlement	6	5	4
No or Insufficient Evidence of Maladministration	7	8	12
Ombudsman Discretion	4	9	6
Outside Jurisdiction	8	1	2
Overall	25	24	24

Maladministration: Maladministration is defined as when the authority has failed to act reasonably in accordance with the law, its own policies and the generally accepted standards of local administration. The law says that the Ombudsman must look for 'maladministration' when carrying out his/her investigation. The definition of maladministration is very wide and can include:

- delay
- incorrect action or failure to take any action
- failure to follow procedures or the law
- failure to provide information
- inadequate record-keeping
- failure to investigate or reply
- misleading or inaccurate statements
- inadequate consultation
- broken promises.

Local Settlement: The term local settlement is used to describe the outcome of a complaint where, during the course of an investigation, the council takes, or agrees to take, some action which the Ombudsman considers is a satisfactory response to the complaint. This can include compensation

Ombudsman Discretion: Complaints described as terminated by Ombudsman's discretion are those which have been terminated because, for example:

- the complainant wishes to withdraw his or her complaint;
- the complainant has moved away and the Ombudsman is no longer able to contact him or her;
- the complainant decides to take court action; or
- the Ombudsman finds there is no or insufficient injustice to justify continuing the investigation.

Outside Jurisdiction: The Ombudsman can investigate most types of complaints against local authorities. But there are some things the law does not allow them to investigate, such as personnel matters, the internal management of schools and colleges, and matters which affect all or most of the people living in the council's area. Such complaints, when they are terminated, are described as being outside jurisdiction.

- 7.6 The annual review highlights that the Ombudsman made no decisions against the Council last year. This is an encouraging sign as it shows that the Council's own complaint investigations are robust and that the Ombudsman is agreeing with the Council's findings in a high percentage of cases. Across the country of all the complaints the Ombudsmen decide annually, 26.9% were local settlements. For Peterborough City Council there were five cases classified as Local Settlements, that equates to 18% of the cases which the Ombudsmen decided were within their jurisdiction. In total the Authority paid £1500 in compensation on these local settlements and in most cases offers had been made to the complainants before referral to the Ombudsman.
- 7.7 The LGO made written enquiries about 16 complaints in the year. They were pleased to note a steady improvement with regard to the average response time to their enquires, coming in at just over 29 days. They ask us to continue our efforts in meeting their target of 28 days.

Table 15: Ombudsman Enquires	2007- 08	2008-09	2009-10
Number of enquires received	10	18	16
Average response times	33 days	32 days	29 days

- 7.8 The LGO did however, comment on the significant variations with some of the responses, an enquiry about an adult social care case took 53 days to respond to and a complaint about children and families took 140 days to respond to. The LGO details their frustrations with these delays and ask the Council to take the necessary steps to ensure such delays are avoided in the future. These concerns have been shared with senior management from both Adult Social Care and Children's Social Care to look into these delays and make changes to their processes to ensure such delays do not reoccur. The LGO also commented on two occasions when responses to their enquires were sent back on the same day by email.
- 7.9 In the previous year the LGO had highlighted the importance of avoiding delays when responding to enquires specifically relating to school admission cases, there have been improvements within the department concerned following this advice and the LGO made mention of this improvement in their report.
- 7.10 It is part of the role of the Central Complaints team to monitor and chase the reply to LGO enquiries, by individual business units to ensure compliance with the 28 day timescales set by the LGO. The new process implemented last year, whereby the Head of Customer Services contacts individual departments on any cases which are not completed within 21 days, continues to be working well. He will highlight the need to prioritise the response to ensure the deadline is met.
- 7.11 Taking into consideration the comments provided by the LGO an additional step will be implemented. The CCO will now contact the relevant department after 14 days of them receiving the enquiry to remind them of the upcoming deadline. We will continue to pass any cases that have not been responded to within 21 days to the Head of Customer Services.
- 7.12 In summary the Ombudsman congratulates the Council's efforts in consulting his investigative staff about appropriate remedies in individual cases. He states that the Council generally investigate complaints thoroughly and fairly and makes good use of his published guidance on remedies.

8. OTHER USEFUL INFORMATION

- 8.1 Table 16 shows how complaints are received, at the moment this data is only available on complaints received by the CCO. However we are now looking at ways to capture this data on all complaints across the Authority so that a clearer picture can be reported in the future.

Table 16 : How Received	2008-09		2009-10	
	%	Number	%	Number
Chief Exec's Office	7.1%	17	4.9%	12
Email/Online Form	47.5%	113	40.9%	101
Fax	0.0%	0	0.0%	0
In Person	3.4%	8	4.0%	10
In Writing	18.9%	45	18.2%	45
Ombudsman	5.9%	14	6.1%	15
Telephone	16.8%	40	25.5%	63
Through a representative	0.4%	1	0.4%	1

- 8.2 Email or our online complaints form continues to be the method used by a majority of our customers when raising concern. We also note that complaints captured by telephone has increased, this may be due to our contact details being publicised in Your Peterborough.
- 8.3 This illustrates that customers are confident raising concerns by telephone, helping to stop the notion that complaints must be in writing.
- 8.4 Our new complaints booklet also publicises our contact details. Capturing complaints in person is also an option for our customers should they have any difficulties using the telephone or writing to us, and we note that this method has also gone up slightly this year.
- 8.5 Following suggestions made by the Committee last year the CCO have captured compliment data from each service area from April 2010. In next year's report this will allow us to show a complete picture of the positive feedback we receive from customers using Council services alongside a continuing reduction in complaint numbers.
- 8.6 Table 17 show some examples of the types of complaints that fall under the different categories.

Table 17: Complaint category	Examples (UPDATE)
Not to standard	Bins not emptied on correct bin day
Poor facility/building	Poor cleanliness at the Regional Pool
Broken promise/appointment	Housing Options viewing cancelled without explanation
Staff attitude/conduct	Rudeness from a member of staff
Breach of confidentiality	Releasing information to the wrong party
Denial/withdrawal of service	Brown bin suspension over the Christmas/ New year period
Delayed/failed service	Failure to respond to correspondence within promised timescales
Lack of/incorrect information about service	Incorrectly being informed of the availability of a school place
About legislation	Concerns with legislation used by the Highways section regarding dropped kerbs
About policy	Challenge to the decision made to discontinue the out of hours Dog Warden service
Other	The Travelchoice centre closed early (before 12.30) for the lunchtime period

9. SERVICE IMPROVEMENTS

9.1 The table below lists some service improvements following complaints that have been made.

Department	Service Improvement
Various	Training needs identified for staff
Customer Services	All faxes received will be logged and a record made of where the fax was forwarded to
Street Lighting	Night time inspections will be carried out by the council's maintenance contractor to identify any issues with lighting.
Environmental Enforcement	The advice and guidance provided to officers of how to conduct themselves whilst on patrol has been renewed to ensure that officers do not come across as intimidating to members of the public
Housing	Reminder issued to staff that customers should always receive a response to their telephone calls within a reasonable period of time

10. IMPLICATIONS

10.1 Customer Service

Customer service and perception of the council will improve if complaints are processed quickly and effectively. If complaints are resolved at the earliest opportunity this ultimately saves time by more senior officers when complaints are escalated. If service improvements are identified and acted upon this will lead to fewer complaints in the future and improve the Council's reputation.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

None

12. APPENDICES

12.1 Appendix 1 - Local Government Ombudsman Annual Review 2009-10