

CHESHIRE EAST COUNCIL

REPORT TO: AUDIT & GOVERNANCE COMMITTEE

Date of Meeting: 25th September, 2014
Report of: Customer Relations and Compliance Manager
Subject/Title: Report on Customer Feedback – Complaints, Compliments and referrals to Local Government Ombudsman 2013-2014
Portfolio Holder: Councillor Peter Raynes

1.0 Report Summary

- 1.1 Cheshire East Council is committed to putting residents and businesses first. Listening to and really understanding what is required to provide the best possible solution to satisfy customers' needs is our goal. Feedback is an extremely important and valued part of this process. In 2013/14 the Council has intentionally tried to encourage more feedback across most services and also used particularly targeted campaigns like 'Tell Dave' on Highways. This is a deliberate attempt to encourage customers to feedback both positive and negative experiences about the services they receive.
- 1.2 In a report earlier this year entitled '*More Complaints Please*', the Public Administration Committee (PASC) concluded that organisations must value complaints as 'critical for improving and learning about their services'. Their report suggests that:
- How complaints are handled determines the quality of the relationship between consumers and public services.
 - The best performing organisations welcome complaints as a way of engaging customers.
 - A failure to recognise the importance of complaints leads to insufficient redress for the individual, limits the impact that complaints have in improving services, and alienates the public.
- 1.3 This report reflects on issues, trends and responses across all Council services for 2013/14. This feedback will be used to deliver improvements and relationships as recommended by the PASC. It also provides a summary of the formal feedback received during 2013/14 together with a summary of cases dealt with by the Local Government Ombudsman (LGO).
- 1.4 The Council received 3,488 instances of customer feedback – 1140 (33%) were compliments; 117 (3%) were suggestions, 1482 (42%) were council wide service complaints, 749 (22%) were specific complaints around the changes to green waste collection. (Complaint details are attached at Appendix 1). Excluding the exceptional item of green waste collection the increase in complaints when compared with 2012/13 is around 5%.

- 1.5 The number of recorded compliments remained exactly the same for both years at 1,140. In 2013/14, 60% of these related to Adult Social Care – compared with 69% in 2012/13. The Council also recorded 117 suggestions (113 in 2012/13). These are neither complaints nor compliments, but often suggest changes to policy or working practice.
- 1.6 In addition 245 enquiries from MP's were received by the Chief Executive's Office between October and March 2014. They are not formally recorded on the Council's corporate handling system, but referred directly by the Chief Executive's office to the services to respond.

2.0 Decision Requested

- 2.1 That the Committee notes the contents of this report and makes any further response it considers appropriate.

3.0 Wards Affected

- 3.1 All wards.

4.0 Local Ward Members

- 4.1 Not applicable.

5.0 Policy Implications including - Carbon reduction - Health

- 5.1 Adherence to the Corporate Compliments, Suggestions and Complaints Policy, the Children's Social Care Complaints Policy and the Adults Social Care Complaints Policy are key to ensuring that service users have an effective means of feeding back about our services. This is to ensure that we understand what we are doing well and where we may need to improve services we deliver.

6.0 Financial Implications (authorised by the Chief Operating Officer)

- 6.1 If fault causing injustice is found, Cheshire East Council can be asked to pay compensation to a complainant. A compensation payment is also possible where a matter is settled prior to a formal finding by the Ombudsman. Four compensation payments were made in 2013/14, amounting to £3,000.
- 6.2 Following complaints about changes to the Green Waste Scheme, residents who paid for an additional green bin received a £15 reduction off the annual charge for 2014/15 for each additional bin. This is estimated to cost the council some £22,000 in 2014/15.

7.0 Legal Implications (authorised by the Head of Legal Services and Monitoring Officer)

- 7.1 There are no specific legal issues associated with this report.

8.0 Risk Management

Robust complaint tracking, handling and monitoring arrangements will enable the Council to quickly identify potential internal control issues and areas of regulatory, financial and reputational risk. It is important, therefore, that the action the Council takes following the feedback it receives from customers is appropriate, relevant, implemented and promotes wider learning where necessary. In receiving this report, considering the implications in respect of governance, risk management or control and supporting the development of robust arrangements, the Audit and Governance Committee makes an important contribution to the Council's assurance process.

9.0 Complaints Handling

9.1 Once a formal complaint has been recorded it is passed to the Service Manager to respond within 10 days. The customer has a right of appeal (Stage 2) if they are not satisfied with the reply. Stage 2 appeals are handled by an officer independent of the service being complained about. With Adults Social Care complaints, customers are encouraged to come back to the Service Manager if they remain unhappy with the response to their initial complaint. All customers have the right to appeal to the Local Government Ombudsman (LGO) at any stage of the process but the Ombudsman prefers the customer to have exhausted the organisation's complaints procedure first.

9.2 Stage 2 Complaints

Corporate - of the 2,044 corporate complaints received in 2013/14, 50 (2.5%) customers requested a Stage 2 appeal and 11 (0.5%) went straight to Stage 2 (for example in cases where there may have already been lengthy e-mail communications between the service and the customer). This compares with 2012/13 (when there were also 61 Stage 2 appeals) with 46 customers requesting a Stage 2 appeal and 15 going straight to Stage 2. The main areas receiving Stage 2 requests in 2013/14 were Council Tax and Business Rates, Development Management, Housing Benefits and Highways. Of the 61 Stage 2 corporate complaints, 21 (1%) subsequently escalated their complaint to the Local Government Ombudsman.

Children's Social Care - Of the 80 new complaints received in 2013/14, 4 were escalated to Stage 2. At the start of 2013/2014 there were 7 Stage 2 complaints already in progress. Of these 11 Stage 2 complaints, 1 was escalated to the LGO.

Adults Social Care – Adults Social Care received 107 new complaints in 2013/14. The LGO received 17 referrals about Adults Social Care in 2013/14, 9 of which they considered and 3 of which they upheld.

9.3 Section 11 of this report and Appendices 2 and 3 provide further information about LGO referrals. It is planned to arrange training, provided by the LGO, in the current financial year for Complaints Coordinators and Stage 2 investigators.

10.0 Frequent Complaints

10.1 The most frequent complaints received by the Council in 2013/14 are detailed below:

Service Area	Most frequent cause for complaint
Waste	<ul style="list-style-type: none">- Garden waste suspension period- Inconsistent collections- Attitude of waste operatives- Compliance with 5 working days
Highways	<ul style="list-style-type: none">- Blocked gullies- Potholes- Lack of contact/action following a report- Lack of signage following a diversion
Council Tax	<ul style="list-style-type: none">- Phone line opening hours- Summons/reminder received- Delays in responding to correspondence
Development Management	<ul style="list-style-type: none">- Lack of contact by Case Officer- Delays in processing applications- Disagreement with decision
Adults	<ul style="list-style-type: none">- Care planning- Care practice (external and Care4ce)- Charging- Direct payments- Communications
Children's	<ul style="list-style-type: none">- Poor communication and lack of information- Delays in completing reports and assessments- Attitude, conduct and behaviour of staff- Inconsistency of care practice, correct procedures not being followed.

10.2 After Waste & Recycling the most frequent complaints into the Council were:

- Highways (13%) - these increased from 212 in 2012/13 to 291 in 2013/14;
- Council Tax (7%), down from 160 in 2012/13 to 155 in 2013/14; and
- Development Management (6%) up from 109 in 2012/13 to 129 in 2013/14.

The Highways Service now operates a new Scheduled and Planned Works Programme for gully emptying. This was an expected response given the promotion of the 'Tell Dave' campaign. Pothole enquiries have reduced with recent Highway Investment Funding, with all enquiries relating to A, B and C roads now inspected within a 5 day period. They have also introduced an escalation process in their own systems to help manage enquiries and reduce missed responses or inactivity.

Many of the Council Tax complaints relate to individual accounts, but discussions are underway to seek general areas for improvement, particularly around telephone opening hours, with complaints feedback being taken into consideration.

In Development Management, there has been heavy officer workload due to the large number of large housing applications and appeals associated with the emerging Local Plan. There are a number of initiatives in progress, including a review of working with Customer Services and increased resource. The service continues to improve customer relations and has identified a need to change; some changes have already been implemented, allowing better management of complaints. Furthermore the service is reviewing the structure of its support team to create and develop a team which will coordinate a more reactive customer response.

Adults Social Care received 107 complaints (down from 136 in the previous year) and Children's Social Care received 80 (1 more than the previous year). There are dedicated Complaints Officers for Social Care complaints, who liaise closely with the senior management teams to provide regular feedback of learning points and actions to be taken.

11.0 Local Government Ombudsman (LGO) referrals

- 11.1 To support openness and to provide complainants with an independent service, they are all offered the opportunity to appeal to the LGO if they are unhappy with the way in which the Council has handled their complaint.
- 11.2 Appendices 2 and 3 show the number of Decision Notices issued to the Council by the LGO during 2012/13 (68 Decision Notices) and 2013/14 (75 Decision Notices). In 2013/14 the LGO received 137 enquiries relating to Cheshire East, and closed 131 cases. Of these 131 closed cases, 56 were not directly referred back to the Council¹, 37 cases were closed after the initial enquiry, 21 were not upheld and 17 (12%) were upheld. The comparative figures for 2012/13 are outlined in Appendix 3. However, during the past two years, the LGO have changed the way in which they report their statistics, with the result that they have been unable to provide the comparative numbers of initial enquiries or total closed cases for 2012/13.
- 11.3 Additionally, during 2013/14, their classification of complaints has changed. The term 'maladministration' is no longer used and has been replaced with 'fault upheld'. There are also various degrees of 'fault' – causing 'no injustice', 'some injustice' and 'injustice'. Of the 131 closed cases, 17 (13%) were upheld; 6 (4.5%) were judged to be fault with injustice, 5 (4%) fault with some injustice and 6 (4.5%) fault with no injustice. Two complaints resulted in public reports (see Point 11.5).
- 11.4 Comparisons with other local authorities - LGO Annual Report 2013/14

Cheshire East Council has the 13th largest population of the 325 local authorities compared in the LGO report, and ranked 27th highest, with 137 enquiries made to the LGO in 2013/14. The number of complaints determined

¹ In these cases, the complainant is given advice, referred back for local resolution or advised that the complaint is incomplete or invalid.

in 2013/14 averaged 3.5 per 10,000 population, compared with an average of 3.1 for all councils (ranks 50th of 325).

The highest number of enquiries related to Planning and Development - 38 (28%) – this is high compared to other councils. Complaints relating to benefits and corporate issues were below the average for other councils.

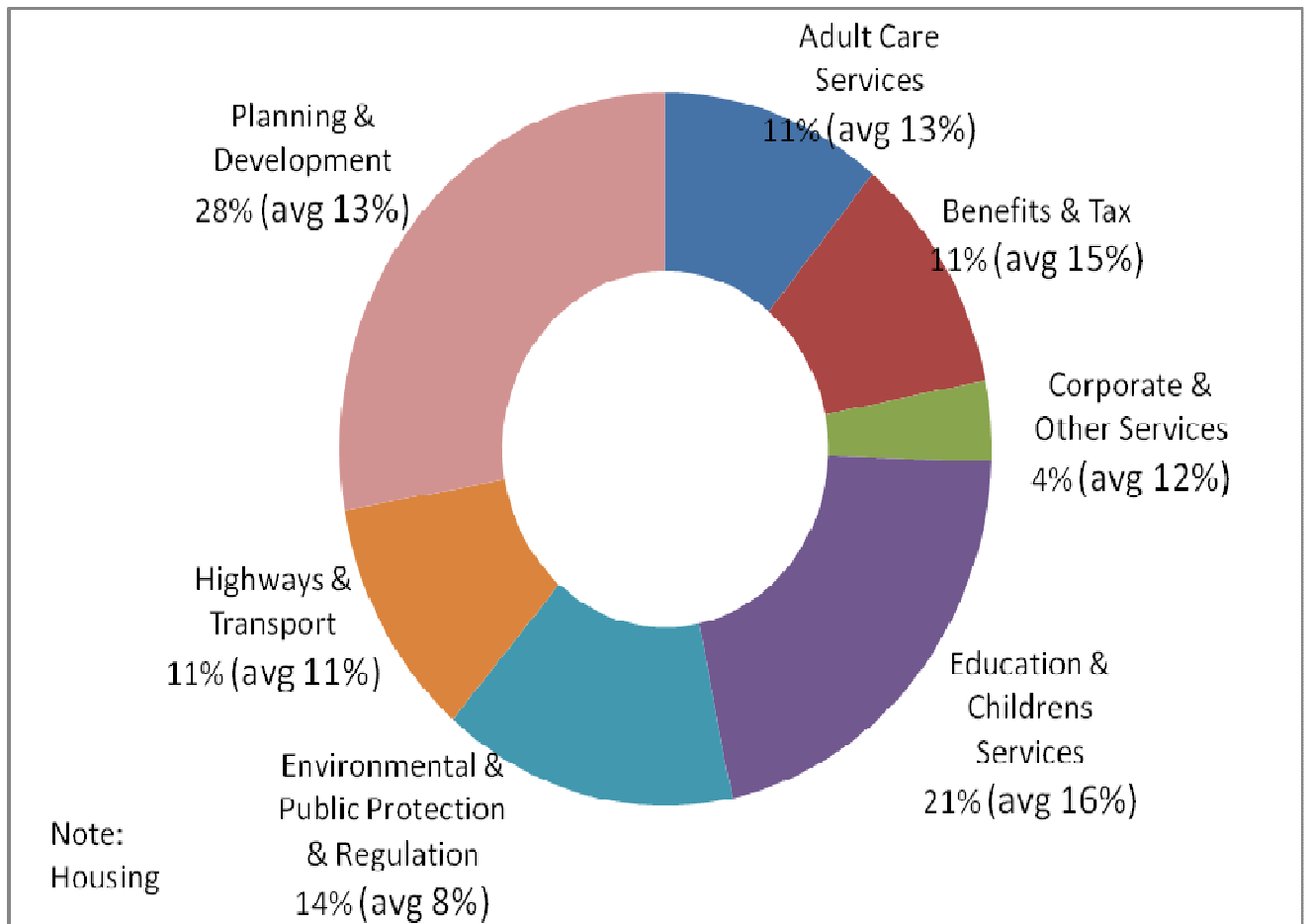
Of the total complaints received by the LGO, 38 were referred for a final decision. Of these, 17 (44.7%) were upheld placing the Council 145th of 325.

11.5 Two of the Council's complaints resulted in Public Reports. Eight other councils also received two reports, and two were subject to three reports (overall 58 reports were published). The two public reports related to complaints logged before 1.4.13:

- Adult Social Care Public Report - the initial complaint was made in June 2012 and was settled in October 2012, with the service agreeing to undertake the actions recommended by the LGO. The case was reopened some months later because officers had failed to take the actions agreed with the Ombudsman. In such cases, the LGO automatically issues a Public Report.
- Planning Public Report – this stemmed from two separate complaints to the LGO about the same matter - the administering and subsequent approval of a CLEUD (Certificate of Lawfulness for Existing Use or Development) application in Autumn 2011. A local settlement was suggested by the LGO, but was not agreed by the service, and consequently a public report was issued.

11.6 The chart below shows how complaints were distributed between categories; UK averages are shown in brackets.

- There were no complaints for Housing compared to a UK average of 12%
- The majority of the Council's complaints related to Planning. For other councils Benefits and Children's Services are more likely to receive complaints than Planning.



Enquiries to the LGO 2013/14 (average for other Councils in brackets)

12.0 Enquiries from MP's

12.1 Responses to MP's enquiries are co-ordinated by the Chief Executive's Office. The figures below relate to the enquiries from MP's received between October 2013 and March 2014:

Service Area	Number of enquiries from MP's
Adults	6
Business Rates and Council Tax	1
Children's Services	7
Development Management	0
Environmental Protection / Licensing/ Trading Standards	12
Highways and Transportation	108
Housing	7
Housing Benefit	0
Legal / Democratic	0
Leisure	2
Other / General	9
Parking	1
Planning	68
Regeneration	0
Streetscape	4
Waste and Recycling	20
TOTAL	245

12.2 The Chief Executive and Chief Operating Officer have agreed to integrate the systems and processes for the recording of MP's enquiries with the Corporate Handling system to ensure a more comprehensive and streamlined approach to total customer feedback in the future.

13.0 Next steps

The Cabinet and the Corporate Leadership Board are committed to improving performance across the Council by responding to and learning from customer feedback.

Training for officers is underway and further training is planned, both internally and in conjunction with the Local Government Ombudsman, to ensure that all officers understand the most effective way of dealing with customer complaints. This training will initially focus on planning to ensure increased customer focus and better handling of all aspects of feedback.

External benchmarking is also being undertaken to ensure that the Council is learning from best practice elsewhere.

Regular meetings take place with the Senior Management Teams in Children's and Adults Social Care to discuss feedback and agree learning points, actions, and follow up of these actions. The Corporate Leadership Board has agreed to extend this good practice to include Senior Management Teams across the Council.

Finally, complaints 'measures' are now being included in the Council's performance management system, and managers will be required to provide commentary on types and numbers of complaints, response times, and actions being taken as a result of the complaints.

14.0 Access to Information

14.1 The background papers relating to this report can be inspected by contacting the report writer:

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