

Audit & Governance Committee

Date of Meeting: 31 May 2018

Report Title: Report on Customer Feedback – Complaints, Compliments and Referrals to Local Government Ombudsman 2017-18

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1. Introduction and Policy Context

- 1.1. Feedback from customers is welcomed and encouraged by Cheshire East Council, in order that the information can be used to drive service improvements. This report summarises the formal feedback received from customers during 2017/18 and administered under the Council's Corporate Compliments, Suggestions and Complaints Policy as well as the Council's Adults and Children's Social Care Complaints Policies. The report also provides a summary of the cases dealt with by the Local Government Ombudsman and gives a further breakdown of the investigations in which maladministration causing injustice was found. It is not possible to report on any decision notices issued during February, March and April 2018, as the LGO impose a three month embargo on the reporting of their investigations.

2. Recommendation

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

3. Reasons for Recommendations

- 3.1. The Terms of Reference for the Audit and Governance Committee include seeking assurance that customer complaint arrangements are robust and that recommendations agreed with the LGO are being implemented.

4. Background

- 4.1. All formal complaints are received and recorded by the Customer Relations and Compliance team. Complaints are responded to in the first instance by the appropriate departmental Service Manager. However, the customer has a right of appeal (Stage 2) if they are not satisfied with the initial

response and the complaint is then investigated by an officer who has had no involvement with the initial response. In the case of Adult Social Care complaints, customers are encouraged to come back to the manager who initially investigated the complaint if they remain unhappy with the response. 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.

- 4.2. Once a complainant has exhausted the Council's Complaints procedure, their next step, should they remain dissatisfied with the Council's response, is to contact the Local Government Ombudsman.
- 4.3. The LGO will assess the merits of each case which has been escalated to them and will seek clarification from the Council, as necessary, before making the decision to investigate a complaint.
- 4.4. Once the LGO decides to investigate a complaint, they will look to ascertain if maladministration has occurred and if there has been any resulting injustice to the complainant as a result of the maladministration.
- 4.5. In the instances where maladministration and injustice is found by the LGO, they will make non-legally binding recommendations which they consider to be appropriate and reasonable.
- 4.6. Although not legally binding, refusal to accept the LGO's recommendation will trigger them to issue a Public Report. A Public report is a detailed account of the complaint, outlining where it considers the Council has made errors. This can have a significant reputational impact.

5. Briefing Information

- 5.1. During 2017/18 the Council received 3187 instances of customer feedback – 1159 were compliments, 130 were suggestions and 1898 were complaints. (Details are attached at **Appendices 1a, 1b and 1c.**) Complaints increased in 2017/18 compared with the previous year, when 1603 were received. This increase can be partly attributed to the increase in complaints received by the Waste and Recycling Service (ANSA) and by Children's Services.
 - 5.1.1. The number of recorded compliments was 1159, compared with 1503 in 2016/17. Over half of these related to Adult Services. The Council also recorded 130 suggestions (148 in 2016/17). These are neither complaints nor compliments but often suggested changes to policy or working practice.
- 5.2. **Stage 2 complaints**
 - 5.2.1. **Corporate Complaints Procedure** – of the 1667 corporate (i.e. non social care) complaints received in 2017/18, 109 customers requested a Stage 2 investigation and 24 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 2016/17, when 64 customers requested a Stage 2 investigation and 21 went straight to Stage 2. The main areas which received requests for Stage 2 investigations were Development Management & Enforcement, Highways, Council Tax and Waste & Recycling.

5.2.2. **Children's Social Care Complaints Procedure** – 144 new complaints were received in 2017/18, compared with 120 received in 2016/17. Of the 144 complaints, 6 were dealt with at Stage 2, compared with 2 in 2016/17.

5.2.3. **Adult Social Care Complaints Procedure** – 87 new complaints were received in 2017/18, compared with 94 in 2016/17. Of the 87 complaints, 12 complaints were dealt with at Stage 2, compared with 3 in 2016/17.

5.2.4. **Frequent Complaints**

The most frequent complaints received by the Council in 2017/18 are detailed in **Appendix 2**.

5.3. **Local Government Ombudsman (LGO) referrals**

5.3.1. All customers are offered the opportunity to appeal to the LGO if they are unhappy with the way in which the Council has handled their complaint.

5.3.2. **Appendices 3a and 3b** show the number of Decision Notices issued to the Council during 2017/18 (89) and 2016/17 (73). During 2017/18, the LGO issued Decision Notices on 89 cases. 45 of these cases were closed after the LGO conducted their initial enquiry, 23 of the complaints were upheld in the customer's favour and 21 were not upheld. Of the 23 upheld cases, it was considered that in 8 of these there was no injustice to the complainant.

5.3.3. Of the 15 cases in which maladministration and injustice was found, we can report on 13 decision notices received from the LGO between 1 April 2017 and 31 January 2018, as the LGO impose a three month embargo on the reporting of their investigations.

5.3.4. **Appendix 4** provides a summary of these 13 cases, along with the agreed action/recommendations made by the LGO. All these recommendations have been complied with as agreed with the LGO.

5.3.5. During this period the LGO recommended that the Council make 7 compensation payments, totalling £8483. In 2016/17, 9 compensation payments were made, amounting to £2950.

5.3.6. There are a number of cases which the Ombudsman receives annually and which are rejected on receipt (for example, because they are premature or because the LGO has no jurisdiction over a particular type of complaint). These figures are published in the LGO's annual report which is usually issued by the end of July following the end of the financial year. An update report on LGO referrals will be submitted to Audit & Governance Committee in September 2018, following the publication of the LGO's Annual Report.

6. Implications

6.1. Policy Implications

- 6.1.1. Adherence to the Corporate Complaints, Suggestions and Complaints Policy, the Children's Social Care Complaints Policy and the Adult Social Care Complaints Policy is key to ensuring that customers 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.

6.2. Financial Implications

- 6.2.1. If fault causing injustice is found, Cheshire East Council can be asked to pay compensation to a complainant. The Council made 7 compensation payments in 2017/18 amounting to £8483. In 2016/17, 9 compensation payments were made, amounting to £2950.

6.3. Legal Implications

- 6.3.1. There are no legal implications flowing directly from the content of this report.

6.4. Human Resources Implications

- 6.4.1. There are no Human Resources implications.

COMPLAINTS RECEIVED

Appendix 1a

Service Area	Complaints Received 2017 / 2018	Complaints Received 2016 / 2017	Complaints Received 2015 / 2016	Complaints Received 2014 / 2015
Waste & Recycling (Ansa)	616	287	359	235
Highway Operations	256	281	227	227
Children's Services*	221	125	105	100
Council Tax & Billing	141	188	240	208
Development Management & Enforcement	130	183	165	177
Adult Services*	87	95	111	100
Customer Services	58	26	40	47
Benefits	53	44	60	74
Parking Enforcement	46	36	31	35
Highways Strategy	41	12	4	1
Community Safety	33	14	12	9
Transport (TSS)	24	37	39	29
Grounds Maintenance (Ansa)	20	20	21	29
Environmental Protection	18	21	15	23
Street Cleansing (Ansa)	15	18	13	11
Licensing	14	123	4	24
Electoral Registration	13	0	0	0
Housing	11	8	12	10
Education Complaints	11	15	19	12
Leisure	10	1	2	2
Assets	9	14	4	10
Library & Cultural Services	8	3	12	11
Mixed Service Area	8	4	5	8
Building Control (Civance)	6	7	3	5
Spatial Planning	6	1	0	5
Legal Services	5	7	2	4
Public Rights of Way	4	0	0	0
Business Rates & Billing	4	0	0	0
Communications & PR	4	0	1	0
Registration	4	0	0	0
Bereavement (Orbitas)	3	7	4	4
Facilities	3	0	0	0
Trading Standards	3	0	0	0
Democratic Services	3	11	27	24
Finance General	2	0	2	1
Partnerships Business Manager	2	0	1	0
Shared Services	2	1	0	0
HR	1	0	1	2
Visitor Economy incl. Tatton Park	1	3	1	1
Regeneration & Economic Development	1	2	0	1
Procurement	1	1	1	1
Land Charges (Civance)	0	0	13	4
Governance & Audit	0	0	2	1
Green Spaces	0	8	6	0
ICT	0	0	0	0
Transformation	0	0	0	0
Planning & Performance	0	0	0	0
Engine of the North	0	0	1	0
Total Complaints	1898	1603	1556	1435

*Figures represent the total of complaints handled under the Corporate Complaints Policy and the Social Care Complaints Policy.

COMPLIMENTS RECEIVED Appendix 1b

Service Area	Compliments Received 2017 / 2018	Compliments Received 2016 / 2017	Compliments Received 2015 / 2016	Compliments Received 2014 / 2015
Adult Services	619	704	682	669
Grounds Maintenance (Ansa)	84	88	79	56
Waste & Recycling (Ansa)	82	102	98	86
Children's Services	73	197	558	170
Customer Services	71	118	177	99
Council Tax Business Rates & Billing	58	64	52	75
Highway Operations	49	58	42	62
Housing Benefits	28	28	48	43
Street Cleansing (Ansa)	25	68	67	50
Library & Cultural Services	21	38	14	10
Business Rates & Billing	11	0	0	0
Mixed	9	2	0	0
Education	8	2	2	2
Green Spaces	6	5	2	0
Parking Enforcement	4	1	1	2
Communications & PR	3	0	1	0
Development Management & Enforcement	2	14	14	10
Environmental Protection	1	3	2	4
Housing	1	2	4	1
Visitor Economy incl Tatton Park	1	0	1	0
Transport (TSS)	1	0	3	0
Land Charges (Civance)	1	0	1	0
Electoral Registration	1	0	0	0
Building Control	0	0	0	3
Regeneration & Economic Development	0	2	0	2
Licensing	0	0	2	1
Community Safety	0	2	2	1
Leisure	0	0	0	0
Assets	0	0	1	0
Finance General	0	0	0	0
Democratic Services	0	2	0	0
Legal	0	3	0	0
Governance & Audit	0	0	2	0
Total Compliments	1159	1503	1855	1346

SUGGESTIONS/COMMENTS RECEIVED Appendix 1c

Service Area	Suggestions Received 2017 / 2018	Suggestions Received 2016 / 2017	Suggestions Received 2015 / 2016	Suggestions Received 2014 / 2015
Children's services**	49	56	75	49
Adult Services**	45	47	61	57
Waste & Recycling (Ansa)	9	12	12	21
Highways Strategy	6	6	0	0
Customer Services	4	1	0	5
Street Cleansing (Ansa)	3	0	1	2
Parking Enforcement	2	1	0	4
Council Tax Business Rates & Billing	2	3	3	4
Development Management & Enforcement	2	2	3	3
Regeneration	2	0	0	0
Highway Operations	1	9	6	16
Grounds Maintenance (Ansa)	1	2	5	11
Library & Cultural Services	1	0	3	1
Mixed Service Area	1	1	1	0
Transport (TSS)	1	1	1	0
Education	1	0	0	0
Community Safety	0	0	0	2
Visitor Economy incl Tatton Park	0	1	0	2
Building Control	0	0	0	1
Housing	0	0	0	1
Green Spaces	0	2	1	1
Communications	0	1	0	1
Partnerships Business Manager	0	0	0	0
Licensing	0	0	0	0
Environmental Protection	0	0	0	0
Spatial Planning	0	0	0	0
Bereavement (Orbitas)	0	0	0	0
Benefits	0	0	2	0
Assets	0	2	2	0
Governance & Audit	0	0	1	0
Democratic Services	0	1	0	0
Total Suggestions/Comments	130	148	177	181

**In Children's/Adult Services these can be concerns which have not been dealt with as a formal complaint

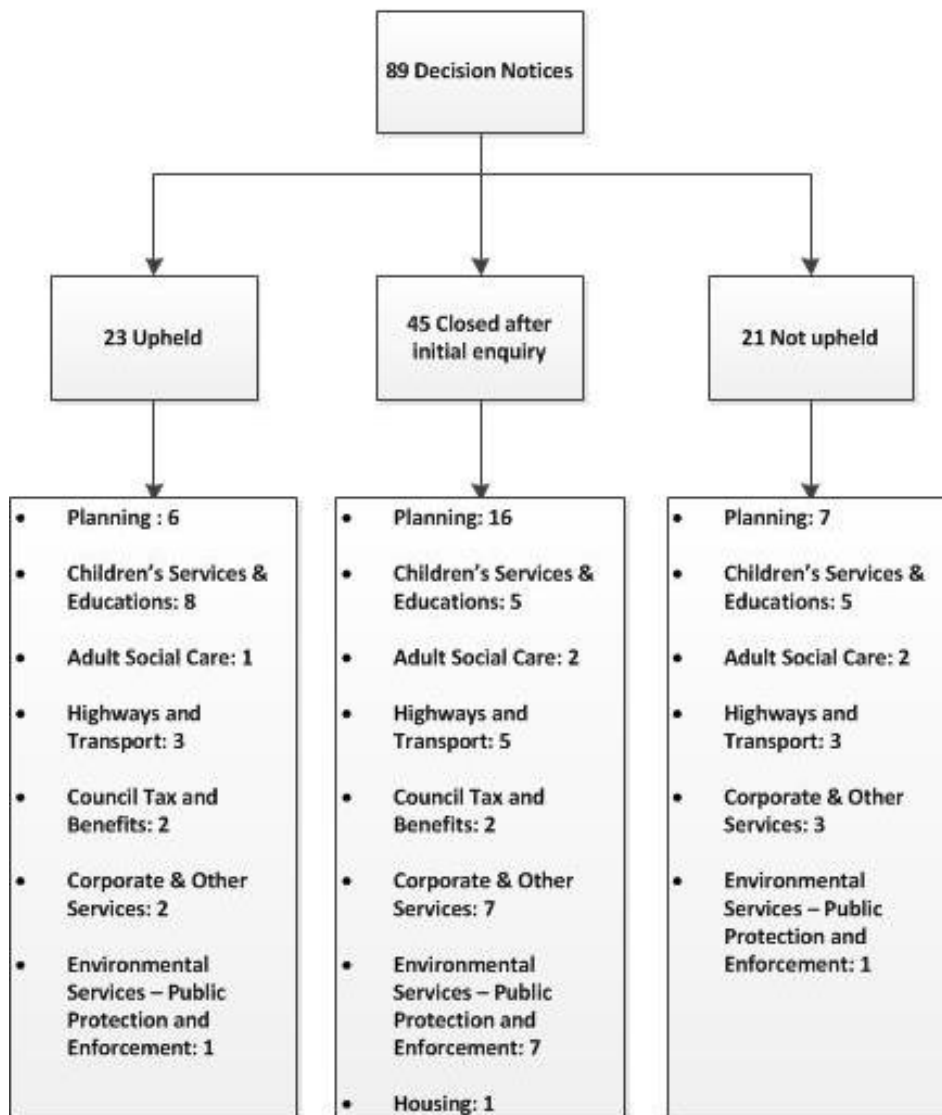
Frequent Complaints Appendix 2

Service Area	Percentage change from 2016/17 and most frequent cause for complaint	Comments from Services (including learning points)
Waste and Recycling (Ansa)	<p>Increase of 115% (from 287 in 2016/17 to 616 in 2017/18)</p> <p>Repeated missed collections/ inconsistent collections.</p> <p>New bin Delivery</p>	<p>Cheshire East Council (CEC) has invested in a new Environmental Hub site from which all of its Environmental and Operational Services can be managed all of which are delivered by Ansa on behalf of CEC.</p> <p>Following the site completion in October 2017, employees relocated from Ansa's two primary depots at Pym's Lane, Crewe and Commercial Road, Macclesfield, as well as a number of secondary sites.</p> <p>Although the relocation has been a great success, with more than 350 employees relocated whilst maintaining services, a combination of events has resulted in higher numbers of missed bins and delays to bin deliveries. In addition to the disruption caused by the move, significant severe weather conditions at the end of February and beginning of March, combined with crews becoming familiar with the changes in their rounds and the recommencement of the garden waste collection service, all contributed to a higher than anticipated missed bin rate. As soon as the weather improved, an action plan was implemented to resolve these issues and return to see levels of complaints reducing back to those experienced in previous years.</p>
Highways Operations	<p>Decrease of 9% (from 281 in 2016/17 to 256 in 2017/18)</p> <p>Not happy with the level of service, having to chase up progress of fault reports. Dissatisfied with the quality/level of repair carried out (potholes or streetlights).</p>	<p>The Council's commitment to Managing and Maintaining the Highway Network Programme funding in 17/18 enabled the Service to limit deterioration of the network condition. The prolonged cold and wet winter weather conditions have provided a significant challenge leading to a spike in complaints relating to network condition.</p>

Service Area	Percentage change from 2016/17 and most frequent cause for complaint	Comments from Services (including learning points)
Children's services	<p>Increase of 77% (from 125 in 2016/17 to 221 in 2017/18)</p> <p>Delays in completing/reviewing Education, Health, Care Plans. Problems with contact arrangements. Inaccuracies in assessments & records. Contact/communication from social workers</p>	<p>Children's Social Care received 144 new complaints in 2017/18, compared with 120 received in 2016/17. Whilst this is an increase nearly all were resolved at Stage 1.</p> <p>In 2017/18 3000 referrals were made to Children Social Care, so, whilst 144 complaints represents just under 5%, we track the themes from complaints so we continue to address and improve the service response. However we continue focus on improving communication between social workers and families and ensuring children enjoy more flexible contact with their wider family. We believe the multi-agency implementation of our Signs of Safety model is changing how we engage children and families and we expect to see a reduction in complaints.</p> <p>Due to significantly reduced capacity in the Education Psychology (EP) Service, as a result of staff vacancies which have proved difficult to fill, the service has had limited ability to complete assessments in a timely manner to support Education, Health and Care plans being written within 20 weeks. This resulted in 47 complaints from parents. This is being addressed through the introduction of a EP Recruitment and Retention Strategy and a 20 week service compliance improvement plan.</p>
Council Tax and Billing	<p>Decrease of 25% (from 188 in 2016/17 to 141 in 2017/18)</p> <p>General dissatisfaction about the Recovery/Bailiff Action taken. Delays in updating account</p>	<p>The service is pleased to see a further reduction in complaints following a similar reduction last year. This reflects improvement work we have continued, including:</p> <ul style="list-style-type: none"> • New, more user friendly Webforms available to customers on the Council Tax web pages • Re-design of the Council's Reductions section on the webpage, giving customers a clearer description of the reductions available

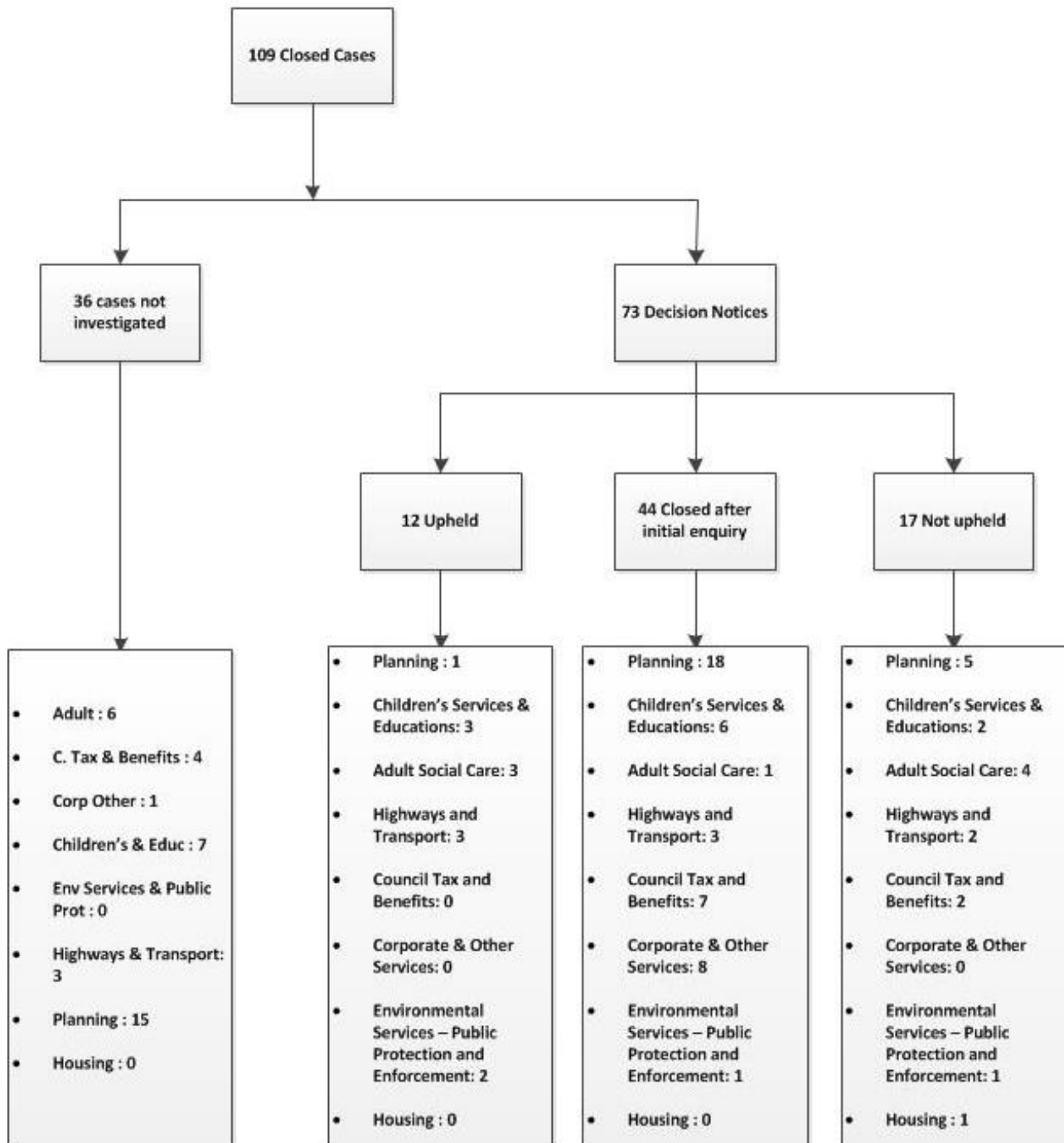
Service Area	Percentage change from 2016/17 and most frequent cause for complaint	Comments from Services (including learning points)
	changes.	<ul style="list-style-type: none"> • Additional support to the Contact Centre to enable call handling to be more effective <p>Further improvement work will be undertaken this year to:</p> <ul style="list-style-type: none"> • Make outgoing documentation clearer to the customer in order to reduce the number of inbound enquiries • Enhance the ability for residents to 'self serve' where they wish to thereby reducing delays in account adjustment
Development Management & Enforcement	<p>Reduction of 29% (from 183 in 2016/17 to 130 in 2017/18)</p> <p>Complainants (3rd parties - not applicants) disagree with the outcome of planning application.</p>	<p>Planning attracts complaints, but these are often as a result of the decision taken rather than the process or the quality of the service. In 2017/18 there was a 29% reduction in the number of complaints received compared to the previous year and the number received is lower than any of the previous 3 years.</p> <p>In terms of LGO complaints, the number referred increased from 24 in 2016/17 to 29 in 2017/18 and there were 6 complaints upheld in 2017/18 as compared to only 1 in 2016/17. These 6 decisions have been examined to ensure that lessons have been learned.</p>

Service Area	Percentage change from 2016/17 and most frequent cause for complaint	Comments from Services (including learning points)
Adult Services	<p>Decrease of 8% (from 95 in 2016/17 to 87 in 2017/18)</p> <p>Poor communication and delays in implementing agreed actions. Unclear/unexpected charges for care provisions; top up payments.</p>	<p>There has been a small decrease in the number of complaints from 2016/17. The nature of the complaints is in keeping with most authorities and result from.</p> <ul style="list-style-type: none"> • Workers facing greater demand and pressure, • Some delay in the commencement of care from providers • The increasing charges imposed on families in the form of top ups from providers. • Individuals unclear that social care is means tested and not free as health is. <p>We have taken time to look at learning points and to work with staff to ensure that they talk through all areas of assessment and care planning, that they are very clear with individuals about charging and any wait for care due to demand on providers, and that this is documented and evidenced through recording.</p>



* Appendix 3a differs from 3b as the information from Local Government Ombudsman has not yet to been published. It is anticipated that the LGO annual report will be available in July 2018.

LGO DECISION NOTICES 2016/17 Appendix 3b



Service	The Ombudsman's final decision Summary	Agreed Action
Adults Social Care	There was fault by the Council as it did not give Mrs M leaflets on third party top-ups and the social worker did not check she understood the arrangement when her mother went into a care home. The Council refunding the £628.57 paid before Mrs M received the correct advice remedies the injustice caused to her.	Issue refund to complainant of £628.57
Council Tax	The Council was at fault for failing to tell Mr X that he could appeal his Council Tax liability at a Valuation Tribunal. In recognition of this the Council has agreed to reissue its decision on Mr X's liability so he has a fresh right of appeal and to waive the bailiff fees he has accrued.	Reissue decision to Complainant so he has a fresh right of appeal
Council Tax	Miss X complains the Council have asked her to pay a large sum for council tax after receiving two bills previously stating that she did not owe anything. The Council are at fault for sending Miss X incorrect council tax bills and not advising her about the discretionary reduction powers it has. The Council has agreed to cancel the council tax bill it issued to Miss X for the period of 16 June 2016 to 27 March 2017 to remedy the injustice to her.	Cancel outstanding Bill
Compliance & Customer Relations Team	The Council failed to properly apply its policy for unreasonable or unreasonably persistent complainants.	Issue a Formal written apology and pay complainant £200. Review process
Facilities	The Council was at fault because it did not consider whether an alarm in a car park opposite Mrs X's home was a statutory noise nuisance, and it delayed resolving a breach of planning control. The Council was also at fault because it delayed responding to Mrs X's complaint. The faults identified led to frustration for Mrs X, and she had to chase the Council for responses. The Council has agreed to apologise, pay Mrs X £100 and assess whether the alarm is a statutory noise nuisance.	Issue Formal written apology and pay complainant £100. Assesses if the alarm in the car park is a statutory nuisance
Education and Children's Services	The ICO has found fault in how the Council handled information it held about Miss B's son. The Council has apologised to Miss B and accepted the ICO's recommendations, so it has already remedied the injustice caused. The Council has also found fault in the way it managed its child protection procedures in 2014. It has agreed to apologise to Miss B, which remedies her injustice.	Issue a Formal written apology and reassess care plan
Education and Children's Services	The Council was at fault in failing to arrange supervised contact as it should have done between Mr and Mrs X and their children during a child protection investigation. I recommend a financial remedy.	Pay complainants £4005 for the failure to make appropriate contact arrangements
Education and Children's Services	The Council failed to deal with Ms B's complaint in line with the children's statutory complaints procedure. After the Ombudsman's intervention, it has now agreed to do so.	Reconsider the complaint at Stage 2 of the Children's statutory complaints procedure

Education and Children's Services	While there was confusion over what statement C's school were delivering, the Council is not at fault. It issued the correct statement and acted when Mrs X questioned which statement the school was using. However, the Council delayed in issuing C's EHCP and failed to act on Mrs X's concerns over the school's delivery of the EHCP. The Council also failed to liaise with the school when responding to Mrs X's complaint. The Council has agreed to carry out a review of the school's delivery of C's EHCP, apologise to Mr and Mrs X and pay them £300.	Formal written apology and pay complainant £300. Carry out a review of School meeting the requirements of ECH Plan.
Education and Children's Services	The Council did not send Mr and Mrs X documentation for its annual review of their daughter, Z's statement in 2014. It did not hold an annual review of Z's statement in 2015. These faults means Mr and Mrs X could not appeal to SEND. The Council did not transfer Z's statement to an Education and Health Care Plan within the required timescale. It has already apologised for this delay but has still not finalised her plan. The Council has agreed to apologise to Mr and Mrs X, make a payment and finalise Z's EHCP. It has also agreed to review its records to assess whether others have missed out on an annual review.	Formal written apology and pay complainants £3000. Carry out a review system to ensure same issue is not affecting others
Planning Enforcement	The Council took too long to deal with Mr X's complaint about enforcement action. It has agreed to apologise to him for this delay. It correctly took enforcement action and secured undertakings from the developer.	Formal written apology for delays and provide complainant with update of Enforcement case
Planning Enforcement	There was no fault in the Council's investigation of a potential statutory nuisance from a waste transfer station. However, it was at fault for not adequately monitoring street cleaning arranged by that business and ensuring it complied with a dust management plan forming part of its planning permission. The Council accepts these findings. It has agreed to remedy the complaint by implementing a plan of action designed to better monitor and if possible improve conditions associated with the site.	Agree investigate dust and street cleaning issue raised with a view of taking enforcement action following a three month period. Written update to be sent to complainant following this period
Planning Enforcement	I uphold this planning enforcement complaint as there was fault causing injustice by the Council. I am satisfied the recommended actions are enough to remedy the complaint.	Formal written apology and pay complainant £250. Consider Enforcement action following further investigation of the issues raised.