

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Public

Date of
Meeting:

18 April 2002

Title:

CORPORATE COMPLAINTS PROCEDURE

ANNUAL REPORT 2001/02

Report of:

City Solicitor and Secretary

Report
reference:

TC.59/02

Summary:

This report reviews the operation of the Corporate Complaints Procedure for the eighth year of its existence. All complaints received during the period 1 April 2001 to 31 March 2002 are analysed and information is provided about the complaints that were referred to Boards of Arbitration. A comparative analysis is provided between 2001/02 and previous years.

This report also notes those Consultation and Compare aspects of the Customer Contact Best Value Review that are applicable to the Council's Complaints procedure and seeks the comments of the Overview and Scrutiny Committee as to the proposed form of the Corporate Complaints procedure to be included in the new Customer Contact Policy.

Recommendations:

- i. The Overview and Scrutiny Committee are asked to review the information contained in this report and appendix relating to the eighth year of operation of the Corporate Complaints Procedure.
- ii. The Overview and Scrutiny Committee are asked to note those Consultation and Compare aspects of the Customer Contact Best Value Review that are applicable

- to the Council's Complaint procedure.
- iii. The report seeks the comments of the Overview and Scrutiny Committee as to the proposed form of the Corporate Complaints procedure to be included in the new Customer Contact Policy.

1. Corporate complaints recorded in 2001/02

1. This report analyses the corporate complaints recorded in the 12-month period from 1st April 2001 to 31st March 2002. During this time there were 29 complaints recorded at the stage 2 level, compared to 40 corporate complaints in 2000/01. These are complaints which Council Departments have had the opportunity to rectify where the proposed or non-resolution has not satisfied the Customer. A comparison of the level of corporate complaints received since 1996/7 is provided in figure 1 below.

Figure 1. Corporate Complaints recorded since 1996/7 by Department.

Departments:	01/02	00/01	99/00	98/99	97/98	96/97
Housing	10	11	17	31	26	33
Env & Develop	14	21	12	27	36	15
City Treasury	2	7	28	9	14	12
TC&CE	0	0	0	2	3	3
Leisure	3	2	2	4	4	1
TOTAL	29	40#	58#	73	79*	64

1 complaint involved two departments

*** 2 complaints involved two departments, and 1 complaint involved three departments**

2. Further details of the corporate complaints relating to each department can be found in Appendix 1.
3. For the first time 45 premature complaints dealt with by the officer responsible for Corporate Complaints, including 15 electronic complaints received from the Council Web-site, are being reported. (See Appendix 1 Figure 4) Only 13 premature complaints were dealt with in the period from 1 August 2000 to 31 March 2001.
4. A complaint is deemed as "premature" when it is apparent that the Unit delivering the service has not had the opportunity to address the complaint and put things right. In these cases the complaint is acknowledged and the complainant informed that their complaint is being forwarded to a named line management officer in the relevant Service Unit or in some cases to another authority. In most cases this has enabled faster resolution for the customer. The complainant is advised to re-contact Corporate Complaints should they not be satisfied with the Service Unit's response or proposed resolution.

2. Boards of Arbitration

2.1 One complaint was heard at a Board of Arbitration during 2001/02. However two further requests for Boards of Arbitration for 2001/02 complaints will take place after 1 April 2002.

Figure 2. Boards of Arbitration 2001/02

	01/02	00/01	99/00	98/99	97/98	96/97
Housing	2#	1	3	4	4	2
Environment & Dev't	1#	2	0	6	10	2
City Treasury		1	1	0	1	1
TC&CE		0	0	2	2	3
Leisure Services		0	0	1	1	0
TOTAL Boards of Arbitration	3#	4	4	13	16*	8

* *Two complaints involved more than one department.*

Indicates one complaint outstanding awaiting Board of Arbitration in April 2002

2.2 Again there was a drop in the number of cases that went to Boards of Arbitration in 2001/02 compared to 2000/01. This can again be explained by the general decrease in the number of corporate complaints received. It may or may not also reflect greater complainant satisfaction with the Authority's responses to their complaints resulting in fewer requests for the matter to be taken to Arbitration.

3. The Board of Arbitration called during the last twelve months related to Housing Services. This complaint was about the actions of the Housing Repairs Department in respect of the level of redecoration allowance allowed together with the removal of a porch. The Board recommended that Housing Services should in future ensure a greater supervision and enforcement of the Tenancy Vacation Rules. The Board noted that the Repairs section of Housing Services had followed the agreed policy for removing porches. The Board recommended that consideration should be given to allow the complainant to transfer to a vacant property with a porch. The situation was resolved to the satisfaction of the Tenant and the Housing Department.
4. The two outstanding Arbitration Boards will consider complaints about the administration of Excess Charge Notices Appeals and a claim for compensation for damage to possessions when a ceiling fell down.

3. Observations from the operation of the Complaints procedure

1. As in previous years, the majority of corporate complaints appear to have been successfully resolved at the second stage of the Council's Complaints Procedure. In 2001/02, of the 29 complaints received, 15 were not pursued beyond the first letter of response. This can be seen as a positive indication that the procedure enables service users to complain about services and to have them resolved, without recourse to the Board of Arbitration or the Local Government Ombudsman.
2. The Board of Arbitration presents a further third stage opportunity to resolve complaints internally and helps limit the number of complaints being subsequently referred to the Local Government

Ombudsman

3. The current system of three Appeals Panels consisting of three members and three substitutes reduces the pool from which an Arbitration Board can be easily drawn. If, after the conclusion of the Customer Contact Best Value Review, the final in-house review of a complaint is to remain with Members then some thought needs to be given to provide a larger pool of members for future Arbitration Boards.

In the meantime it is suggested that any members nominated to serve on the Appeal Panels comprising the Boards should be drawn from Members who are perhaps able to attend a meeting called at relatively short notice to allow the smooth operation of the complaints system and a prompt response to complainants.

4. 2 corporate complaints reference numbers 01/05 re parking and 01/16 re planning from 2001/02 and 5 corporate complaints reference numbers 00/29 and 00/31 re Housing Benefit Assessment, and 00/36, 37, 38 re the same Planning application from 2000/01 were referred to the Ombudsman during the year. All 7 of these referrals did not request a Board of Arbitration.
5. The Ombudsman dealt with 23 complaints about Carlisle City Council from 1 April 2001 to 31 March 2002. One Complaint re Neighbour Nuisance was recorded as a Local Settlement. Nine complaints were recorded as outside the Ombudsman's jurisdiction. Three complaints were deemed as non-maladministration. Five were deemed to be outside the Ombudsman's Jurisdiction. Four were deemed as premature complaints and referred back to the Corporate Complaints Section. The final complaint, Corporate Complaint 01/16 re Planning is awaiting an outcome.
6. Under the Local Government Act 1974, Section 26(5), new arrangements for Handling Complaints by the Local Government Ombudsman have been introduced. The Ombudsman now refers complaints to the Council's Corporate Complaints system with a time requirement for completion of 12 weeks from 1 April 2001. This now remains at 12 weeks from 1 April 2002 but with the intention to reduce to 8 weeks from 01 April 2003.

Ombudsman Exceptions. Complaints can be dealt with by the Ombudsman immediately provided that the complainant can demonstrate NOTICE OF COMPLAINT, that is that the complainant can show that he or she has made the complaint in writing to ANY council employee, or contractor acting on behalf of the Council IRRESPECTIVE OF SENIORITY and the complaint falls in one of the categories on the next page:-

- a) Breakdown of trust evident between the Complainant and the Council.
- b. Waste of time and money for Council's systems to deal with complaint
- c. Entire administrative system under complaint at fault.
- d. Inability to resolve the complaint because of need to divulge third party information
- e. Where reference back puts complainant at a disadvantage
- f. Where the complainant is vulnerable

g) Where more than one Council is involved

4. Customer Contact Best Value Review

1. It was agreed in December 2001 that the scope of the Customer Contact Review should be extended to include Corporate Complaints.
2. Consultation

From the Consultation Exercises undertaken, the exit survey conducted at the Civic Centre

included positive comments about the Corporate Complaints Procedure. 2% of the public interviewed were attending the Civic Centre to make a complaint. Two respondents spoke to Corporate Complaints. Their responses to questions 5 & 6 "How efficient and friendly is the staff you spoke to?" was very efficient and very friendly.

The findings from the Customer Contact Self Completion Survey of April 2002 included:

- 18% of respondents wanted to make a complaint to staff in the Civic Centre
- 6% wanted to make complaints to Council run organisations outside of the Civic Centre
- 2% (3 of the respondents) had communicated with the Corporate Complaints Section.
There was an equal split between the service being perceived as very efficient and very inefficient.
- Comments and Suggestions included

" Complaints should be recorded and complainant should be informed of action taken.
Form does not provide space for stating nature of complaint "

4.3 Compare

A comparison of complaint procedures has been made between Carlisle and six Local Authorities previously identified for comparison in the Customer Contact and Organisational Review Best Value Reviews. The other authorities are Brent, Chester, Exeter, Gloucester, Newcastle and Norwich. As can be seen from the

table below all seven authorities operate a three-stage resolution process. From the responses received only Carlisle uses Members for the Stage 3 review.

Carlisle	Brent	Chester	Exeter	Gloucester	Newcastle	Norwich
Stage 1 Informal to Service Level	Stage 1 Informal to Service Level	Stage 1 Informal to Service Level	Stage 1 Directorate Monitoring Officer to relevant officer	Stage 1 Informal to Service Level then progresses upwards.	Stage 1 Informal to Service Level	Stage 1 Informal to Service Level
Stage 2 Corporate Complaints Officer to Director	Stage 2 Complaints Officer to More Senior Officer	Stage 2 Information awaited	Stage 2 Directorate Monitoring Officer to Strategic Director	Stage 2 Continues upwards through to Service Head	Stage 2 Formal to Complaints Officer to Senior Manager	Stage 2 Customer contacts Service Director
Stage 3 Corporate Complaints Officer arranges Arbitration	Stage 3 Complaints Officer arranges Appeal to Chief	Stage 3 Information awaited	Stage 3 Directorate Monitoring Officer to Chief Executive	Stage 3 Managing Director of Authority	Stage 3 Complaints Officer arranges Review by Head of	Stage 3 Customer Contacts Chief Executive Officer

Board of 3 Members	Executive				Democratic Services	
Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman	Stage 4 Local Government Ombudsman

The initial compare exercise has identified four models:

- Carlisle which uses a Corporate Complaints Officer from Stage 2 with Members reviewing at Stage 3.
- Exeter which uses a strong monitoring system within the Directorates through the three stages with the Chief Executive reviewing at Stage 3.
- Newcastle which uses a Complaints Officer from Stage 2 with the Head of Democratic Services reviewing Stage 3
- Norwich which uses a Customer driven system that signposts the Customer to the next level with the Chief Executive reviewing at Stage 3

The views and comments of the Overview and Scrutiny Committee are sort as to whether the complaints procedure should remain as now or whether further information should be sort on all or some of the above options.

John Egan

City Solicitor & Secretary

April 2002

APPENDIX 1

1. The nature of the Corporate Complaints

- In this section breakdowns are provided of the types of corporate complaints received for each department, starting with the Housing department.
- Figure 1 shows that complaints about the housing department have dropped slightly since the previous year. Repairs/improvements form the highest single category of housing complaints

Figure 1. Complaints made about the Housing Department

	01/02	00/01	99/00	98/99	97/98	96/97
Allocations		3	1	1	1	1

Repairs/ Improvements	8	3	8	18	12	22
Neighbour problems		0	1	1	3	1
Customer care/ staff attitude	1	3	3	7	5	4
Miscellaneous	1	2	4	4	5	5
TOTAL	10	11	17	31	26	33

3. The complaints about the Department of Environment and Development's services were made in the following categories:

Figure 2. Complaints made about Environment and Development Department

	01/02	00/01	99/00	98/99	97/98	96/97
ECNs	8	7	2	17	24	
Highways matters		0	1	2	4	7
Planning matters	5	11	7	2	3	6
Street furniture		0	0	3	1	2
Miscellaneous		3	1	3	2	0
Works	1	0	1	0	2	
TOTAL	14	21	12	27	35	15

4. During 2001/02 there was a decrease in the number of complaints made about the Environment and Development department. Complaints about Excess Charge Notices (ECNs) remained at the same as last year. These complaints relate to the administrative procedures for issuing ECNs, the right of appeal and the performance of the ECN appeals panel. All the 5 complaints relating to Planning matters were about the handling of planning applications with 2 complaints concerning the same planning application.
5. The complaints about the City Treasury were the lowest recorded and covered the following topics:

Figure 3. Complaints made to City Treasury

	01/02	00/01	99/00	98/99	97/98	96/97
Housing Benefit Administration	1	4	12	2	5	1
Reception facilities/Enquiry Desk		1	8	2	0	5

Council Tax admin/ collection	1	0	7	5	6	1
Miscellaneous		2	2	0	2	5
TOTALS	2	7	28*	9	13	12

** One complaint concerned two categories*

6. There were three complaints about the Leisure Services Department. Two were in regard to the Community Support Unit's involvement with Community Centre Management Committees. The other complaint involved the state of a Council Tenant's garden.
7. No complaints about the Town Clerk & Chief Executive's Department were received.

DATE	TOPIC	CT	DEAD	HOUS	LEIS	TCCE	E-mai	Outside
06.04.01	Security Fences Raffles		Y				Y	
23.04.01	87 Marks Avenue Smashed			Y			Y	
24.04.01	Parking Ticket		Y				Y	
02.05.01	Repairs Staff withdrawn 04/05/01			Y				
14.05.01	Parish Council Matter						Y	Y PC
21/05/01	Revenues Reception Staff	Y						
25.05.01	Junction Etterby Street		Y				Y	
29.05.01	Housing Benefit	Y						
12.06.01	Cashier Staff	Y						
18.06.01	Cashier Staff	Y						
20.06.01	Neighbours Complaint			Y				
10.07.01	ECN Customer Care		Y					
12.07.01	Planning Objection		Y					
17.07.01	Homelessness Assistance			Y				
18.07.01	Weeds Chestnut Hill			Y			Y	
18.07.01	Traffic Management		Y				Y	Y CCC
19.07.01	ECN Appeals Procedure		Y					
31.07.01	Complaint about staff						Y	Y
07.08.01	One Big Sunday				Y		Y	
07.08.01	CTAX Help Desk & Enquiry Line	Y						
14.08.01	Housing Benefit Assessment	Y						
17.08.01	Levens Drive						Y	Y CCC
30.08.01	Millenium Gallery Signposting		Y					
13.09.01	Housing Allocations Unnecessary Visit			Y				
09.10.01	John Street Hostel			Y				
12.10.01	Housing Reception Desk			Y				
12.10.01	ECN Notice No contact address		Y					
05.11.01	Housing Repairs			Y			Y	
03.12.01	Car Parking Head Street		Y				Y	Y CCC
05.01.02	Highways Wentworth Drive		Y				Y	Y CCC
10.01.02	Homelessness Failure To Help			Y				
16.01.02	E-mails					Y	Y	
14.01.02	Shrubs at John's Place, Denton Holme				Y			
05.02.02	CTAX Payment Proposal	Y						
06.02.02	Street Parking/Highways						Y	Y CCC
13.02.02	Outside Rear Gutting Repair			Y				
21.02.02	Additional Charge for Windows			Y				
04.03.02	Council Tax Counter Service	Y						
06.03.02	Neighbour Nuisances			Y				
12.03.02	Council Tax Telephone and Waste Collection	Y	Y					
13.03.02	Housing Repairs			Y				
14.03.02	Housing Repairs			Y				
26.03.02	Corporate Complaints re 14.03.02 Complaint					Y		
28.03.02	Garage Allocation			Y				
28.03.02	Housing Reception Desk			Y				

Figure 4 Premature Complaints 2001/02