

## **APPEALS PANEL 1**

**FRIDAY 4 MARCH 2016 AT 2.12PM**

**PRESENT:** Councillor Earp (Chairman) Councillors, Betton (as substitute for Councillor Graham) and Harid.

**OFFICERS:** Deputy Chief Executive  
Director of Local Environment  
City Centre Manager  
City Centre Officer

**ALSO**

**PRESENT:** Appellant

### **1. APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Graham.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the complaint.

### **3. PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **4. APPEAL AGAINST**

The Chairman welcomed the Appellant and introduced the Panel.

The Chairman asked the Appellant to summarise his appeal as clearly as possible and what outcome he hoped to achieve from the hearing.

The Appellant explained that his complaint was in relation to the lack of response from the Council to correspondence sent by him, which had caused him to be inconvenienced. The Appellant referred to his letter of 16<sup>th</sup> June 2015, to the City Centre Officer which had been circulated to the Panel, explaining that he had not received a response. The Appellant explained that he consequently had submitted a Corporate Complaint regarding the lack of response to his correspondence.

In response to the Corporate Complaint, the Appellant had received a letter from the Director of Local Environment on 20<sup>th</sup> August 2015 which he considered a whitewash as it had not addressed the concerns raised in his Corporate Complaint and had indicated that Officers had felt that the Appellant had not required a response to his letter of

16<sup>th</sup> June 2015. The Appellant asked the Panel to consider if he had wanted a response to his letter of 16<sup>th</sup> June 2015, and if he had been entitled to one.

After receiving the letter of response from the Director of Local Environment to his Corporate Complaint, the Appellant, being unsatisfied with that response had escalated his complaint as per the Council's Corporate Complaints Policy. In response to the escalation of his complaint, the Appellant had received a letter from the Deputy Chief Executive which outlined his findings in respect of the complaint. The Appellant, considered that, as with the letter from the Director of Local Environment, the response from the Deputy Chief Executive had not addressed his complaint regarding the lack of response to his letter on 16<sup>th</sup> June 2015.

The Appellant referred to the Council's Corporate Complaints Policy which stipulated that a complainant should receive an acknowledgement of their complaint within five days and a full response within fifteen days. The Appellant stated that even if Officers had considered that his letter of 16<sup>th</sup> June 2015 had not required a response, Council policy required that correspondence should be acknowledged, which in this case had not happened.

In summing up the Appellant explained that his complaint to the Panel was based on the lack of response to his letter dated 16<sup>th</sup> June 2015, and the subsequent correspondence from Officers responding to the Corporate Complaint, which in his view had not addressed the complaint properly.

He wished the outcome of the Panel to be the provision of an explanation of why his letter of 16 June had not been responded to along with an explanation of why this issue had not been addressed when responding to the subsequent Corporate Complaint.

The Appellant left the hearing at 3.05pm

The Panel invited the City Centre Manager, City Centre Officer, Director of Local Environment, and the Deputy Chief Executive to the hearing, individually.

The Chairman gave a summary of the Appellant's complaint.

In response to questions from the Panel, the City Centre Officer and City Centre Manager confirmed that they were aware of the Corporate Complaints Policy, but that neither Officer had not read the Policy, nor had they received any training in respect of the Policy.

The City Centre Manager explained that the Appellant had written a number of times to the Council to express concerns about an issue, responses had been sent to the Appellant explaining the measures that the Council was able to take and what action Officers had taken in response to these concerns. The Appellant's Corporate Complaint, which was submitted on 4<sup>th</sup> August 2015, related to solely to the lack of response to the Appellant's letter to the Council of 16<sup>th</sup> June 2015. The Appellant's earlier

correspondence had been treated as a complaint, but as the Appellant had not completed and submitted a Corporate Complaint form, responses had not been deemed to be subject to the same response deadlines as a Corporate Complaint.

The City Centre Officer confirmed he had not considered that a response was necessary to the Appellant's letter of 16<sup>th</sup> June as the issues it raised had been addressed in previous correspondence. He had not been aware of the Council's customer care requirements regarding the acknowledgement of correspondence.

The City Centre Manager and City Centre Officer advised they were relatively new in their posts following a recent restructure which had reduced the number of staff in their team. The restructure had resulted in increased workload on individual members of staff, and had impacted their capacity to respond to incoming issues within the same timescales as they had managed prior to the restructure.

The Director of Local Environment informed the Panel that although the number of staff in the team had been down-scaled, the workload had also reduced as service provision had been transferred. She acknowledged that it was more difficult for Officers to deliver services in the same manner when the size of the Council was contracting.

The Deputy Chief Executive and Director of Local Environment confirmed that new staff were given an overview of the Corporate Complaints procedure as part of their induction, however, staff moving to new positions within the Council did not revisit the induction when taking up their new role. Corporate Complaints were addressed through Customer Services in liaison with the relevant Director, with the Officers involved in the complaint providing background information prior to a response being sent to a complainant.

The Director of Local Environment explained that following the receipt of the Corporate Complaint from the Appellant in August 2015, she had liaised with the Officers who had dealt with the issues raised by the Appellant in his previous correspondence with the Council. Based on the background information provided by Officers, which had included the view that the Appellant's letter of 16<sup>th</sup> June 2015 had not required a response, she had replied to the Corporate Complaint, on that basis, and within the specified time frame.

The Deputy Chief Executive confirmed that the delay in his response to the Appellant, following the escalation of the Corporate Complaint to Stage 2 had been down to a period of staff sickness absence. He advised that lessons had been learned from this incident and procedures were now in place within his team to ensure that information was circulated effectively during any future absence periods.

The Deputy Chief Executive added that the letter he had received from the Appellant in September 2015 had not been wholly clear, resulting in that he misunderstood the nature of the complaint that the Appellant was making. He had understood the

complaint to be regarding the issues raised in earlier correspondence with the City Centre Officer/Manager, not the lack of response to the letter of 16<sup>th</sup> June 2015. A subsequent letter from the Appellant had clarified the nature of the complaint, however, the issue had then been escalated to the Appeals Panel stage of the Corporate Complaints Procedure.

The Deputy Chief Executive and Director of Local Environment felt that going forward it would be useful to deliver training to relevant staff on the Corporate Complaints Policy, to ensure awareness and understanding of its requirements in order that the standards it outlined were met.

The Panel thanked the Officers for their input.

The City Centre Manager joined the meeting at 3.15pm and left at 3.55pm.

The City Centre Officer joined the meeting at 3.55pm and left at 4.30pm.

The Director of Local Environment joined the meeting at 4.35pm and left at 5.00pm

## **SUSPENSION OF STANDING ORDERS**

During discussion of the above item it was noted that the meeting had been in progress for 3 hours and it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

The Deputy Chief Executive joined the meeting at 5.00pm and left at 5.30pm

The Panel then considered the presentation from the Appellant and the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED –(1) That the complaint be upheld.

(2) Training should be arranged for staff in Customer Care and Corporate Complaints.

(3) Communication between senior officers and Directors should be paramount in order to avoid a similar occurrence

(the meeting ended at 5.43pm)