

Agenda Item 5

Executive Member	Cllr Vivienne Michael
Strategic Management Team Lead Officer	Angela Griffiths, Corporate Head
Author	Louise Bircher
Telephone	01306 879155
Email	louise.bircher@molevalley.gov.uk
To	Scrutiny Committee
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Ward (s) affected	N/A
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Subject	Review of Complaints 2013-2014
RECOMMENDATIONS	
The Committee is asked to note the complaints monitoring for April 2013 to March 2014	

1. BACKGROUND TO ANNUAL COMPLAINTS REPORT

- 1.1 Mole Valley District Council has had an established Complaints Policy for many years. The Annual Complaints Review is part of an ongoing process to assess MVDC's performance against its own standards. This supports our commitment to improving services using feedback from residents, businesses and other customers. The Annual Complaints Review is assessed by the Scrutiny Committee in the autumn to give an overview of the Complaints received the previous year with the aim of evaluating our performance and improve our ability to deal with problems.
- 1.2 MVDC remains committed to resolving the majority of complaints informally when taken up directly with the service responsible. However, should a customer remain dissatisfied they can register a formal complaint with the Complaints Officer, who will carry out an independent investigation with the appropriate officer(s) (Stage 1). If a customer is not happy with the outcome of the Complaints Officer's investigation, the matter can then be referred to the appropriate Corporate Head, or in some cases, Director (Stage 2).
- 1.3 The Complaints Policy states that an acknowledgement will be sent to the customer within 3 working days and a full response sent to the customer within 10 working days. 97% of complaints were acknowledged within 3 working days and 91% of customers were sent a full response within 10 working days. Systems are in place to monitor fulfilment of these standards. Where a full response was not sent within 10 working days, customers were informed why this was the case and when a full response could be expected.

2. COMPLAINTS

- 2.1 The following tables set out the formal complaints received in 2013/14 with a column to the right showing total figures for 2012/13 for comparison purposes. Please note that, where there is not a whole number recorded, the complaint involved more than one

service. Appendices 1 and 2 of this report show the percentage of complaints each service received at each stage of the complaints process.

	Service Area	April - June 2013	July - Sept 2013	Oct - Dec 2013	Jan - Mar 2014	TOTAL 2013/14	TOTAL 2012/13
STAGE 1	Benefits	0	0	1	0	1	0
	Communications	0	0	0	0	0	0
	Community Alarm	1	0	0	0	1	2
	Council Tax	1	0	3	0	4	0
	Customer Services	0	0.5	0	0	0.5	5.5
	Democratic Services	1	0	1	0	2	1
	Environment	1	3	6	0	10	24
	Environmental Health	2	3.5	1	1	7.5	3
	Estates	0	1	0	0	1	0
	Finance & Accounts	0	1	0	0	1	9.5
	Housing	2	1	1	5	9	7
	HR	0	0	0	0	0	0
	ICT	0	0	0	0	0	0
	Legal	0	0	0	0	0	0
	Parking	5	4	3	2	14	4
	Parks	1	0	1	0	2	2
	Partnerships	0	3	0	1	4	1
	Planning	4	5	4	4	17	11
Policy	0	0	0	1	1	0	
	Totals					75	70

	Service Area	April - June 2013	July - Sept 2013	Oct - Dec 2013	Jan - Mar 2014	TOTAL 2013/14	TOTAL 2012/13
STAGE 2	Benefits	1	0	0	0	1	0
	Communications	0	0	0	0	0	0
	Community Alarm	0	0	0	0	0	1
	Council Tax	0	0	1	0	1	0
	Customer Services	0	0	0	0	0	0
	Democratic Services	0	0	0	0	0	0
	Environment	0	0	0	1	1	1
	Environmental Health	0	1	0	1	2	0
	Estates	0	0	0	0	0	0
	Finance & Accounts	0	0	0	0	0	1
	Housing	1	1	0	0	2	4
	HR	0	0	0	0	0	0
	ICT	0	0	0	0	0	0
	Legal	0	0	0	0	0	0
	Parking	0	0	0	1	1	0
	Parks	0	0	0	0	0	0
	Partnerships	0	0	0	0	0	0
	Planning	1	2	1	2	6	3
Policy	0	0	0	0	0	0	
	Totals					14	10

- 2.1.1 The tables show that in total 75 complaints were registered as stage 1 complaints in 2013/14. The majority were resolved at stage 1, with 14 escalating to stage 2.

The total of 75 complaints at stage 1 compares favourably with the vast number of interactions customers have with MVDC. For instance, in 2013/14, we received more than 188,000 telephone calls, saw more than 28,000 customers in reception, received 1,800 planning applications and emptied almost 2 million bins (not including food and garden waste).

3. COMPARISON WITH THE PREVIOUS YEAR

- 3.1.1 Overall stage 1 complaints have increased by 5 when compared with 2012/13. The Planning service received the most stage 1 complaints (17) in 2013/14 compared with 11 in 2012/13. Of the 17 only 1 was upheld by the Complaints Officer and 6 progressed to Stage 2. For all complaints, learning points are identified wherever possible to improve the customer experience (see section 4).
- 3.1.2 The Community Alarm, Customer Services, Environment and Finance & Accounts have all seen a drop in stage 1 complaints for 2013/14 compared to 2012/13. Environment saw the biggest drop from 24 stage 1 complaints in 2012/13 to 10 stage 1 complaints in 2013/14.
- 3.1.3 Of the 75 Stage 1 complaints received in 2013/14, 14 progressed to stage 2. These are spread across 7 different service areas compared to 2012/13 when the 10 stage 2 complaints related to 5 service areas.

4. IMPROVEMENTS

- 4.1 Mole Valley District Council values feedback received from customers to allow us to learn and make changes to improve the customer experience. Learning points are defined with the service area from each complaint, and consideration is given to whether service improvements can be implemented. Complaints are reported to SMT quarterly with a summary by service area and lessons learnt. The learning points are shared with staff through a variety of means.
- 4.1.2 New and supplementary training of staff has formed part of the improvement process. Examples of change include improvements to the decision notices in Planning, additional website information regarding the payment of parking contraventions and improved partnership working with our waste collection company, Biffa, regarding collection / replacement of bins on residential properties.

5. OMBUDSMAN

- 5.1 The Local Government Ombudsman's report for the year 2013/14 states that they received a total of 15 enquiries and complaints, compared to 7 in the previous period, although 3 related to service areas not covered by Mole Valley District Council, such as Highways & Transport, Education & Children Services and Adult Care services. This has

been brought to the Ombudsman's attention, and they have been asked to consider further clarification with regard to headings used in the LGO report.

- 5.2 For the period 1 April 2013 to 31 March 2014 the Ombudsman made decisions on 17 complaints (some were brought forward from the previous year). These are shown in Appendix 3. The Ombudsman considered an agreed payment would be an appropriate remedy for 1 of these complaints. 8 showed that MVDC was not at fault, 1 was not within the LGO remit, 2 required no further action, and 2 had no grounds for investigation. The remaining 3 were not in MVDC's control as detailed in 5.1.

CORPORATE IMPLICATIONS

Legal Implications

None in producing this report

Financial and Risk Implications

None in producing this report.

Time Constraints

Equalities Implications

None

Employment Issues

None

Sustainability Issues

None

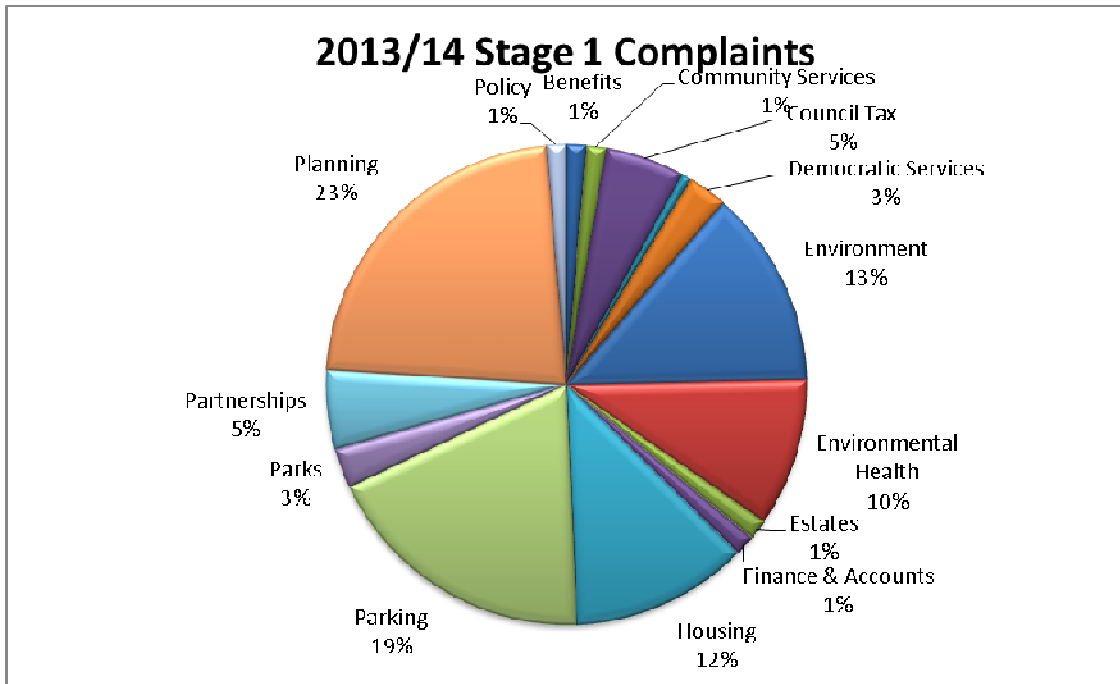
Consultation

None

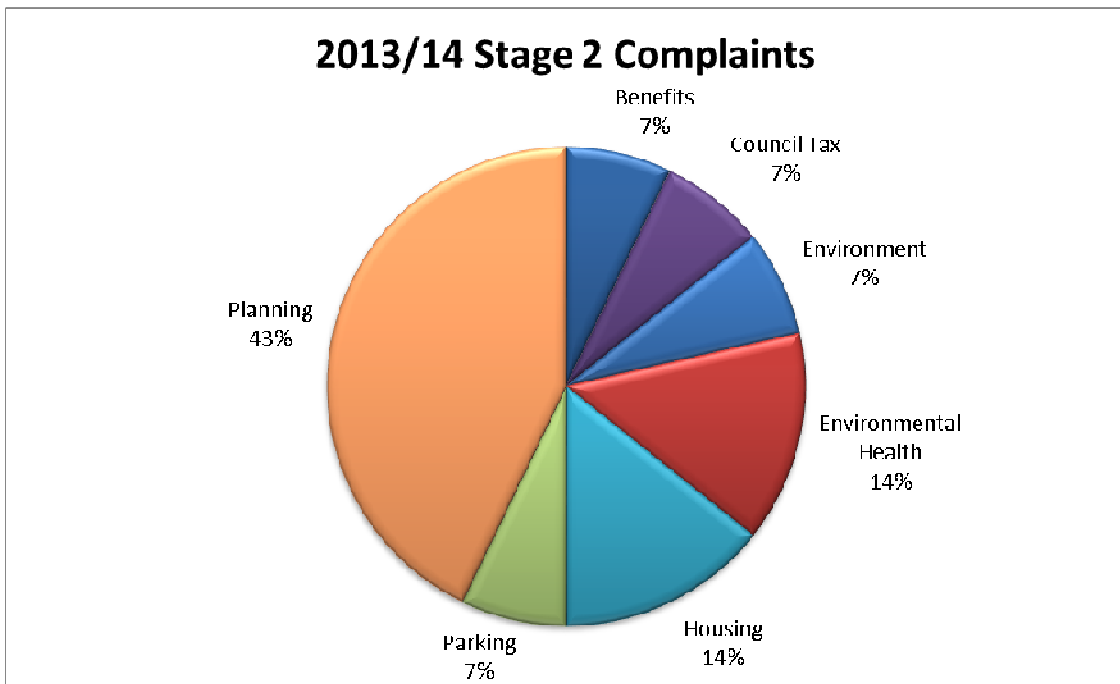
Background Papers:

These are exempt under paragraph 4 of Schedule 12(a) Part 1 of the Local Government Act 1972

**Appendix 1:
Stage 1 Complaints received by Service 2013/14 (75)**



**Appendix 2:
Stage 2 Complaints received by Service 2013/14 (14)**



Ombudsman Decisions 2013/14
(not including the 3 relating to non-MVDC service areas)

Ombudsman Complaints 1 April 2013 - 31 March 2014		
DECISION REFERENCE	SERVICE AREA	CONCLUSION
Ref: O/1314/BEN01	Benefits Customer complained directly to the Ombudsman without going through the complaints process. The complainant was unhappy that the Council had stopped paying housing and council tax benefit following receipt of an inheritance, the complainant felt that the Council acted unfairly to use the inheritance in the benefit calculations.	MVDC not at fault The Ombudsman found that the complainant was no longer entitled to housing & council tax benefit since the Pension Service decided to stop Pension Credit. There was no fault by the Council in applying the regulations and taking account of the complainant's savings. The Council had not caused the complainant an injustice and the Ombudsman will not investigate the complaint.
Ref: L/1314/CNL10	Council Tax The complainant was left distressed after a visit from the Bailiffs. Complainant felt MVDC was not sympathetic to the situation.	MVDC not at fault Ombudsman found no fault by MVDC causing the complainant injustice.
Ref: O/1314/ENV05	Environment Customer complained directly to the Ombudsman without going through the local authority's complaints process. Complainant stated that the Council's refuse trucks had caused damage to her property and was asking for the Council to pay compensation.	Not within LGO Remit The Ombudsman considered a record of the Complainant's telephone call to the LGO. The Ombudsman concluded that this was a complaint about negligence. Negligence claims are best decided by the courts. The Ombudsman concluded that the complaint was out of the jurisdiction of the LGO as the complainant had the right to pursue a claim against the Council through the courts.
Ref: L/1314/ENV11	Environmental Health Complainant stated that there were outstanding works at the property which needed to be completed & the DFG funding needed to be supplied to cover works. Complainant believed MVDC were in dereliction of duty & should not have part paid the builder for DFG works carried out so far.	MVDC not at fault Ombudsman was content that the Environmental Health team had acted appropriately & happy that the final inspection has been arranged & visit by Occupational Nurse to check situation. Final payments will be arranged once all snagging has been resolved.

APPENDIX 3

<p>Ref: O/1213/EST01</p>	<p>Estates - Drainage A drainage ditch on the customer's land had appeared to cause flooding issues. Advice given by MVDC officer was considered to aggravate the tension between neighbours resulting from the flooding.</p>	<p>LGO – Resolved LGO considered it reasonable that a payment of £750 for time and trouble would be an appropriate remedy.</p>
<p>Ref: O/1314/HOU01</p>	<p>Housing Complainant's barrister was not happy with the Stage 2 response. Barrister contacted the Ombudsman, claiming that the real reason that the complainant was evicted from his property was a suspicion of anti-social behaviour and not for rent arrears as the Council claimed.</p>	<p>MVDC not at fault The complainant was evicted from his home in 2007. The Ombudsman said that it was for a court to decide whether to evict a tenant. Therefore the Council, to issue an Eviction Notice, must have gone through a court and the Ombudsman cannot investigate a complaint where the matter has been before a court. This complaint was outside the Ombudsman's jurisdiction, and the complaint was made out of time.</p>
<p>Ref: O/1213/ICT01</p>	<p>ICT - Street naming and numbering The complainant submitted a complaint to the LGO whilst also requesting a response under stage 2 of the MVDC complaints procedure. (No further communications regarding the complaint have been received).</p>	<p>LGO – No further action Ombudsman requested customer to complete the MVDC complaints procedure before finding any resolution.</p>
<p>Ref: O/1314/LEG01</p>	<p>Legal The complainant considered there was an administrative fault when the Council dealt with a Code of Conduct matter.</p>	<p>LGO – No grounds for investigation. The Ombudsman did not consider there were sufficient grounds to warrant any further investigation of the complaint by the LGO. For this reason the view of the Ombudsman was that the investigation should be discontinued.</p>
<p>Ref: O/1314/LEG02</p>	<p>Legal The complainant stated that there was an administrative fault by the Council in the way it dealt with a Code of Conduct matter.</p>	<p>LGO – No grounds for investigation. The Ombudsman did not consider there were sufficient grounds to warrant any further investigation of the complaint by the LGO. For this reason the view of the Ombudsman was that the investigation should be discontinued.</p>
<p>Ref: O/1314/LEG03</p>	<p>Legal Code of Conduct matter.</p>	<p>LGO – No further action Ombudsman's final decision was that, in the absence of injustice caused to the complainant because of fault by the Council, the complaint should not be pursued further.</p>

APPENDIX 3

<p>Ref: O/1314/PLA01</p>	<p>Planning The complainant was unhappy with the planning decision not to insist that the solar panels constructed by the developer, should be either fixed or removed as this was part of the renewable energy plan on the planning application. Complainant believed that the Council must intervene and insisted that the developers came up with an alternative renewable energy plan.</p>	<p>MVDC not at fault The Ombudsman did not find any fault with the Council in relation to the complaints from the customer. The solar panel system did not work as it should have done. However, it is not for the Council to ensure that the system works.</p>
<p>Ref: O/1314/PLA02</p>	<p>Planning Complainant stated that the Council had not taken action to stop flooding on complainant's property under the Land Drainage Act 1991. Complainant stated that the Council granted permission for a development without proper consideration of a drainage scheme. Complainant was also aggrieved that the local authority had not responded to her correspondence or phone calls.</p>	<p>MVDC not at fault The Ombudsman did not find fault with MVDC as the Council is yet to make a decision on whether it should take action against any parties under the Land Drainage Act 1991. The Council is looking into possible sources of flooding; it has identified several possibilities but is yet to reach a conclusion. The Ombudsman could see no evidence that the Council failed to talk to the complainant or return her phone calls. Customer sent in a letter to the Chief Exec on 19 Dec 2012 which could have possibly been considered as a formal complaint, the Council considered this a service request and was dealt with by a senior officer. The LGO could not see grounds to criticise the Council for these actions.</p>
<p>Ref: O/1314/PLA04</p>	<p>Planning The complainant complained that he thought the Council was not applying the law in letting an A3 class café operate under an A1 shop class. The complainant felt that the Council had by-passed planning requirements and regulations.</p>	<p>MVDC not at fault Ombudsman has closed the complaint as no fault was found in the way the Council reached its decision on enforcement action.</p>
<p>Ref: O/1314/PLA05</p>	<p>Planning Complainant felt aggrieved that the Planning permission conditions relating to a new access road, lighting and working times were not being enforced.</p>	<p>MVDC Not at fault No evidence of fault by MVDC was found by the Ombudsman. Complaint not to be pursued further by the Ombudsman.</p>