

Brighton & Hove City Council

For general release

Meeting: Standards Committee

Date: 22nd March 2005

Report of: Director of Strategy and Governance

Subject: Corporate Complaints Update

Ward(s) affected: All

1. Purpose of the Report

- 1.1 The purpose of this report is to provide information regarding complaints about member conduct and complaints about service issues dealt with under the council's complaints procedures from 01 April 2004 to 31 December 2004.
- 1.2 A summary of individual complaints dealt with by the Ombudsman is provided in Appendix 1.
- 1.3 A glossary of terminology used by the Local Government Ombudsman is provided in Appendix 2.
- 1.4 A description of the Corporate Complaints Procedure is provided in Appendix 3.

2. Recommendations

- 2.1 The Standards Committee is asked to note the report.

3. Information / Background

The information contained in this report has been divided into 5 sections.

1. Complaints about Member conduct
2. Enquiries received from the Local Government Ombudsman
3. Corporate Complaints
4. Matters where equalities have been identified as an issue.

5. Compliments received by the Council

3.1 Information on complaints about Member conduct

Complaints about Members are split into five categories in sections 3.1.1 to 3.1.5 below. The purpose of this part of the report is to give details of the complaints received during quarter 3 of 2004/05 and to provide an overview of complaints about member conduct in the previous two quarters for comparative purposes.

There have been no complaints about member conduct where an adjudication has been received in quarter 3 of the Council year 2004/05 under any of the five categories.

The Committee is asked to note that there are two complaints about alleged breaches of the Code of Conduct that have been referred to an Ethical Standards Officer at the Standards Board. These matters have not previously been reported to the Standards Committee and should remain confidential until the investigations are concluded. For future reference the case numbers for those items are SBE 9453.04 and SBE 9829.05.

3.1.1 A. Complaints investigated under the Council's internal complaints procedure. This includes non-code of conduct complaints and cases where the complainant has expressed a wish not to refer a complaint to the Standards Board for England.

Cases previously reported in 2004/05:

Details available in Standards Committee Report dated	Complaint reference	Outcome of complaint
21 st December 04	04/A1, SCT011STDS	Complaint not pursued by complainant

3.1.2 B. Cases referred to the Standards Board for England in which it was decided either to not investigate, or to refer for investigation by an Ethical Standards Officer. This section also includes cases pending a decision of the Ethical Standards Officer.

Cases previously reported in 2004/05:

Details available in Standards Committee Report dated.	Complaint reference	Outcome of complaint
21 st December 04	03/B7, SBE3769.03	The Ethical Standards Officer found that no action needed to be taken.

3.1.3 C. Cases referred to the Monitoring Officer under Local Determination Regulations.

There have been no cases within this category.

3.1.4 D. Cases referred to the Monitoring Officer for Local Investigation.

There have been no cases within this category.

3.1.5 E. Cases referred to the Adjudication Panel following investigation by the Ethical Standards Officer.

There have been no cases within this category.

3.1.6 If a person wishes to make a complaint about a councillor they can do so by completing the form in the Standards Board for England leaflet titled 'How to make a complaint'. This is available at City Direct centres, from Housing Offices, Libraries and from Brighton and Hove City Council Standards and Complaints Team or can be downloaded from the Standards Board website (www.standardsboard.co.uk).

3.2 Information on Complaints received from the Local Government Ombudsman

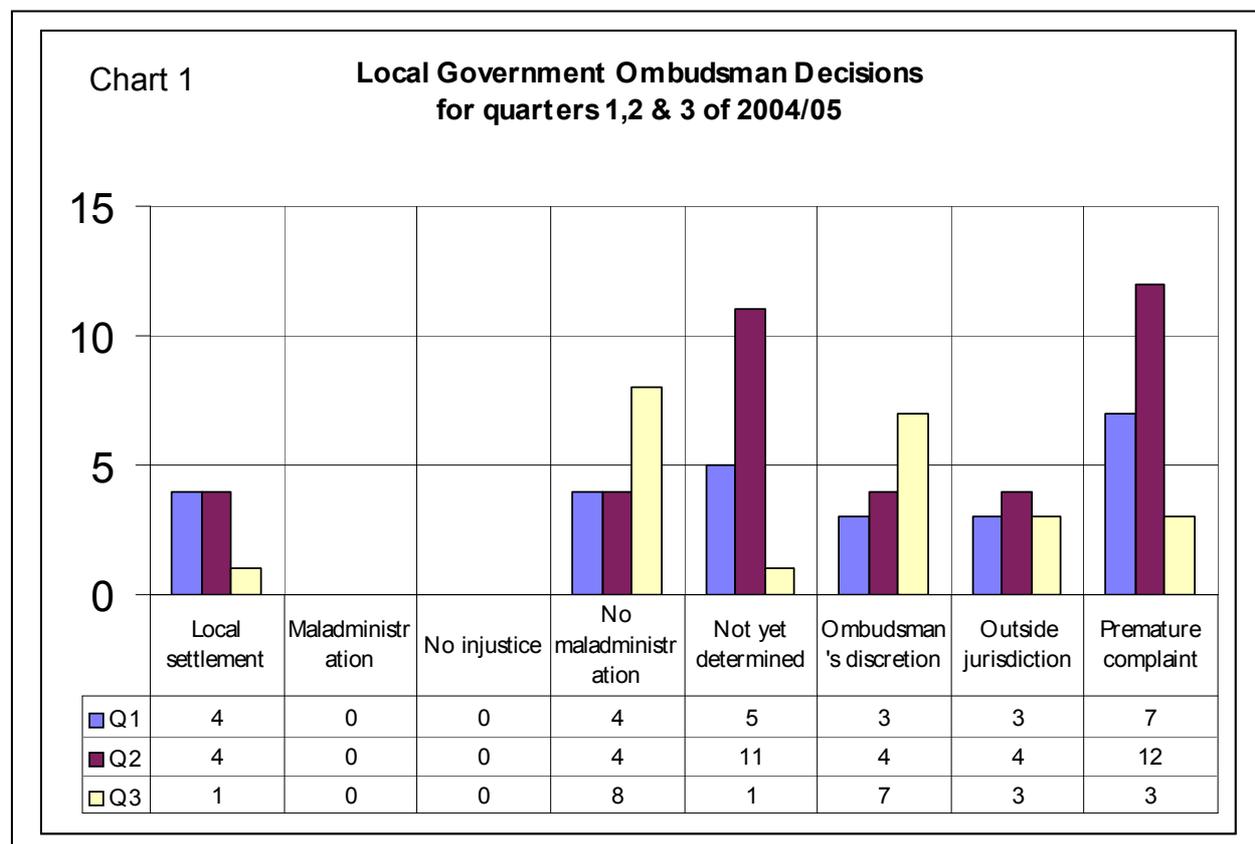
3.2.1 The Local Government Ombudsman requires an initial substantive response to complaints that are being investigated within 15 working days. Table One below shows the average response time for the cases being pursued by the Ombudsman for each quarter of the year. Replies to the Ombudsman are given a priority. The overall average response time is 15.8 days

3.2.2 The table shows that not all complaints made to the Ombudsman are investigated.
Table One

Quarter 2004/05	Number of complaints	Number of complaints requiring a response	Average response time (working days)
Q1	26	12	16.1
Q2	39	18	18.2
Q3	23	13	12.1

3.2.3 Chart 1 below illustrates the decisions of the Local Government Ombudsman for each quarter.

- As reported on 21st September 2005 there were two cases where compensation was recommended resulting in a total payment of £275 being made.
- In quarter 3 there were no cases where the Ombudsman recommended payments to be made.
- There have been no findings of Maladministration and no cases where Injustice has been found to have occurred as a consequence of Maladministration in any of the quarters.
- The number of complaints made to the Ombudsman in quarter 3 has reduced in comparison to the previous two quarters



3.3.4 Chart 2 shows a continuing trend for a reduction in the number of stage 1 complaints received about service delivered by Environment. Factors influencing this trend are:

- ❑ Complaints about Parking Management and Highway Management have dropped by more than 50%
- ❑ Complaints about Parks and Green Spaces have fallen by nearly two thirds.
- ❑ There continue to be a negligible number of complaints about Public Safety.
- ❑ Complaints about City Planning in quarter 3 have fallen by nearly two thirds since quarter one.
- ❑ Whilst complaint levels about recycling have increased, and this may be related to teething problems during the introduction of the recycling service to more households throughout the city, complaints about refuse collection continue to decrease and have fallen by over 50% over the first three quarters of the year.

3.3.5 The chart shows that for Housing and City Support there was a significant rise in the numbers of stage 1 complaints between quarter 1 and 2. The main reason for this being that complaints made to the Director were for the first time recorded with those issues dealt with under the complaints procedure. This practice has been continued in quarter three and it is apparent that there has been a decrease in complaints about this directorate. Factors that have contributed to this are:

- ❑ Complaints about Housing Benefits have fallen by two thirds.
- ❑ Complaints about Council Tax have fallen by a quarter.
- ❑ Complaints about lettings and temporary accommodation have fallen by over one third.

3.3.6 The table below gives an indication of average time taken to reply to stage 1 complaints.

Table 3

Directorate	Number of complaints at Stage 1			Average response time (working days)		
	Q1	Q2	Q3	Q1	Q2	Q3
CFS	4	5	6	8.3	3.2	4.8
Corporate Services	5	4	2	1.5	3.5	5.5

Cultural Services	3	6	3	4.5	5.8	7.2
Environment	301	234	180	18	9.2	9.8
HCS	111	171	136	9.4	8.5	11.6
Council wide	414	420	325	15.5	8.7	10.2

3.3.7 The target time for replying to stage 1 complaints is 10 working days. Standards and Complaints closely track and chase overdue complaints. The improvement in performance for Environment in quarter 2 has been achieved by providing telephone or email responses to complainants rather than written responses.

3.4 Matters where equalities has been an issue of complaint during quarter 3

There have been three complaints previously reported in Standards Committee Report dated 21st December 2004 where the complainant felt they had been discriminated against. There have been four complaints received during quarter 3.

Complaint	Outcome
1. The complainant has a physical disability and found the temperature in the public gallery so unbearably hot that they were unable to attend a Policy & Resources Committee meeting. The Complainant felt the temperature in the gallery was deliberately set so high in order to make the room sufficiently uncomfortable to exclude members of the public from committee meetings.	An apology was offered and the respondent confirmed that the heating was turned off as soon as the complaint was made. The person was assured that there was no deliberate intention to exclude anyone from the meeting and was invited to approach a member of staff if it the heating levels were ever found to be uncomfortable again.
2. A person telephoned to complain that City Clean's instruction to locate wheelie bins and black recycling boxes on the pavement makes it difficult and possibly dangerous for blind or partially sighted people and people in wheelchairs to use the pavement. The caller felt full consideration had not been given to people with sight or mobility disabilities in the	The caller was assured that the scheme has only been introduced where there is sufficient space, i.e. a minimum of 1 metre, to allow for a person using a wheel chair or pushing a buggy to pass without obstruction. The caller accepted that consideration had been paid to safety for all members of the public in relation to the siting of recycling boxes and refuse containers.

<p>decision to implement these schemes.</p>	
<p>3. The complainant says the council is hosting Travellers Encampment meetings with residents where they discuss travellers. The complainant alleges that data protection is breached as travellers are named, that racist language is used and that the Race Relations Act is breached in that the Council's duty to promote positive race relations is being ignored.</p>	<p>It was explained that the purpose of the meetings has been to consult with residents on council policy and protocols, and to give information on the council's responses to unauthorised encampments. The meetings give residents an opportunity to meet the relevant council staff and police officers. Travellers receive regular visits from the council's Traveller Liaison Officers, who regularly provide them with help advice and assistance in accessing other services, such as health and education.</p> <p>It was acknowledged that Travellers' names should not have been given. Where people involved are named in Court proceedings, which are dealt with in open court, it may be permissible to refer to individuals by name. However, it was stated that as a matter of course this will be avoided if possible. Council officers attending the meetings were briefed on this point.</p> <p>It was agreed that the use of racist language should have been corrected at the meeting. However, a distinction was made between the principle of consulting or providing information at the meetings, and the behaviour of individual residents that attend the meetings. It was stated that those individuals might express views in terms not acceptable to the council, but their views should not be confused with the council.</p> <p>An assurance was given that the council will deal with inappropriate conduct and language as it would</p>

	in a committee meeting.
4. The complainant felt that he was being discriminated against because he could not be provided with pristine paper at a library.	An apology was given that the person felt this way but it was explained that it is policy to provide rough paper to customers for them to make notes.

3.5 Compliments

3.5.1 The Standards and Complaints teams have been actively encouraging managers to notify them of compliments that they and their staff receive. Over recent months examples of compliments received have been placed regularly on the Intranet. This has helped to remind staff of the importance and value of recording compliments and has accounted for the considerable increase in the number of recorded compliments.

Directorate	Compliments Q1	Compliments Q2	Compliments Q3
CFS	4	4	9
Corporate Services	2	3	7
Cultural Services	0	3	3
Environment	5	11	30
HCS	19	47	89
Total	30	68	139

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Wards affected	All

Financial implications None
Legal implications None

Corporate/Citywide implications This report provides information about complaints relating to ethical governance. Details of the complaints have been kept anonymous.	Risk assessment Failure to identify complaints about member conduct could undermine confidence in the democratic structure of the authority.
Sustainability implications None	Equalities implications Equalities elements of complaints made to the Council will continue to be monitored and acted upon as issues arise.
Implications for the prevention of crime and disorder None	

Background papers None
Contact Officer Brian Foley, Standards and Complaints Manager, 293109

APPENDIX 1 Summary of Ombudsman Complaints

Details of complaints dealt with by the Ombudsman during quarters 1 and 2 can be found in the Standards Committee report dated 21st December 2004.

Quarter	Ombudsman's Decision	Department	Complaint / Outcome
3	Local Settlement	Schools Admission	Panel did not seriously consider the parent's views regarding their child's emotional wellbeing. The child was offered a place at school of choice.
3	No Maladministration	Development Control	Council failed to give sufficient consideration to lighting details provided in respect of planning app for a covered structure over the tennis courts at the Pavilion and Avenue Lawn Tennis Club
3	No Maladministration	Development Control	that the Council provided inaccurate advice to the complainant about replacing her windows in a conversation area
3	No Maladministration	Development Control	planning permission given for conservatory - complainant disagrees with it and thinks was given incorrectly
3	No Maladministration	Housing Allocations	Alleged that the Council were at fault in way transfer application was dealt with
3	No Maladministration	Housing Management	Complainant disputes the period of time that major works were being carried out and believes the council at fault for charging rent for 15 week period in 2001 when uninhabitable
3	No Maladministration	Housing Management	Council refused to redecorate complainant's property,
3	No Maladministration	Parking	has received lots of parking tickets, as he's a carer, thinks that the council should have (a) told him that he could receive a carers permit and (b) that the Parking dept should have noticed he was a frequent defaulter and made enquiries

3	Not yet determined	City Clean	Failed to ensure that household refuse is collected on a regular basis.	
3	Ombudsman's discretion	Development Control	Complaint about handling of planning application	
3	Ombudsman's discretion	Development Control	Alleged fault in way council dealt with planning app for demolition of existing house and construction of apartments	
3	Ombudsman's discretion	Environmental Health	Upset by behaviour of council officer.	
3	Ombudsman's discretion	Housing Allocations	Unsuitable housing, meant to be in current accommodation on temp basis but council have changed mind	
1	Ombudsman's Discretion	Housing Benefit	Housing Benefit information was alleged to be confusing	
3	Ombudsman's discretion	Housing Management	Council carrying out woodworm works and tenant has to move out of property, who feels the council is trying to get him out of the property permanently	
2	Ombudsman's discretion	Insurance	It was claimed that an insurance claim was delayed	
3	Ombudsman's discretion	Parking	Regarding bailiff action in respect of Penalty Car-parking Notice	
3	Ombudsman's discretion	Revenues	Council incorrectly instructed bailiffs to collect debt in writing	
3	Outside Jurisdiction	Highways	Negligence resulted in injury and damage to property. Council not provided info and not maintained white lines on road	
3	Outside Jurisdiction	Revenues	Person challenged decision that she is jointly and severally liable for Council Tax	
			Council served notice in 2000 regarding damp, council carried out the work and invoiced the landlord who complained that the work	

			not necessary,
3	Premature Complaint	City Clean	Failed to organise an adequate rubbish collection system and have not provided suitable bins
3	Premature Complaint	Housing	Council failed to replace streetlight bulbs and cut down overgrown plants despite frequent requests to do so
3	Premature Complaint	Housing	Council described as being at fault in way that dealt with application for grant made from Estate Development Budget

APPENDIX 2

Glossary of Terminology used by the Local Government Ombudsman

Local Settlement:

During the course of an investigation the Council takes or agrees to take some action, which the Ombudsman considers to be a satisfactory response to the complainant.

Maladministration:

Where there has been a fault in the way the Council has or has not done something.

For example:

- Took too long to do something
- Did not follow its own rules
- Broke its promise
- Did not make a decision in the correct way

No Injustice:

The Ombudsman will only investigate injustice as a result of Maladministration. Injustice might occur if:

- A person did not receive a service or benefit to which they were entitled
- A financial loss was incurred
- Distress or upset was caused

Ombudsman's discretion:

Cases are terminated at the Ombudsman's discretion if for example:

- The complainant wishes to withdraw the complaint
- The complainant decides to take court action
- No or insufficient injustice to justify continuing the investigation

Outside Jurisdiction:

The law does not allow the Ombudsman to investigate certain things, these can include:

- Personnel matters
- Internal management of schools
- Matters which affect all or most of the people living in a Council's area

Premature Complaints:

Complaints not accepted because the Council have not had a reasonable opportunity to deal with them first

APPENDIX 3

Corporate Complaints Procedure

Stage 1 - Problem Solving

Acknowledged within two working days, stating the name of the person/section dealing with the complaint and when the complainant can expect to receive a reply.

The Lead Officer should respond to complaints within ten working days. If it is not possible to send a full reply within ten working days a holding reply should be sent, telling the complainant who is dealing with the complaint and what action is being taken.

Stage 2 - Formal Investigation

If a complainant is still unhappy after the complaint has been dealt with at stage 1 they can ask for a further investigation to be carried out at stage 2 of the procedure by the Standards & Complaints team.

The Standards and Complaints team aim to conclude all Stage 2 investigations within 20 working days. When this is not possible, the Standards & Complaints Team will ensure the complainant is informed of progress.

Local Government Ombudsman

Any member of the public can complain to the Local Government Ombudsman at any time. A leaflet "How to complain to the Local Government Ombudsman" is available at main council reception desks or from the Standards & Complaints Team.

Standards and Complaints contact details: complaints@brighton-hove.gov.co.uk , or, www.brighton-hove.gov.uk, or, Brighton & Hove City Council, Standards & Complaints, FREEPOST SEA2560, Brighton Town Hall, Bartholomew Square, Brighton, BN1 1ZW. or,