

Brighton & Hove City Council

For general release:

Meeting: Overview and Scrutiny Organisation Committee

Date: 23rd February 2004

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 a summary of complaints information about Environment for quarters 1, 2 and 3 of 2003/04.
- 1.2 The report summarises recommendations made to heads of service as a result of investigations into complaints in section 3.9
- 1.3 Information about numbers of compliments received from members of the public in relation to Environment can be found in section 3.8

2. Recommendations

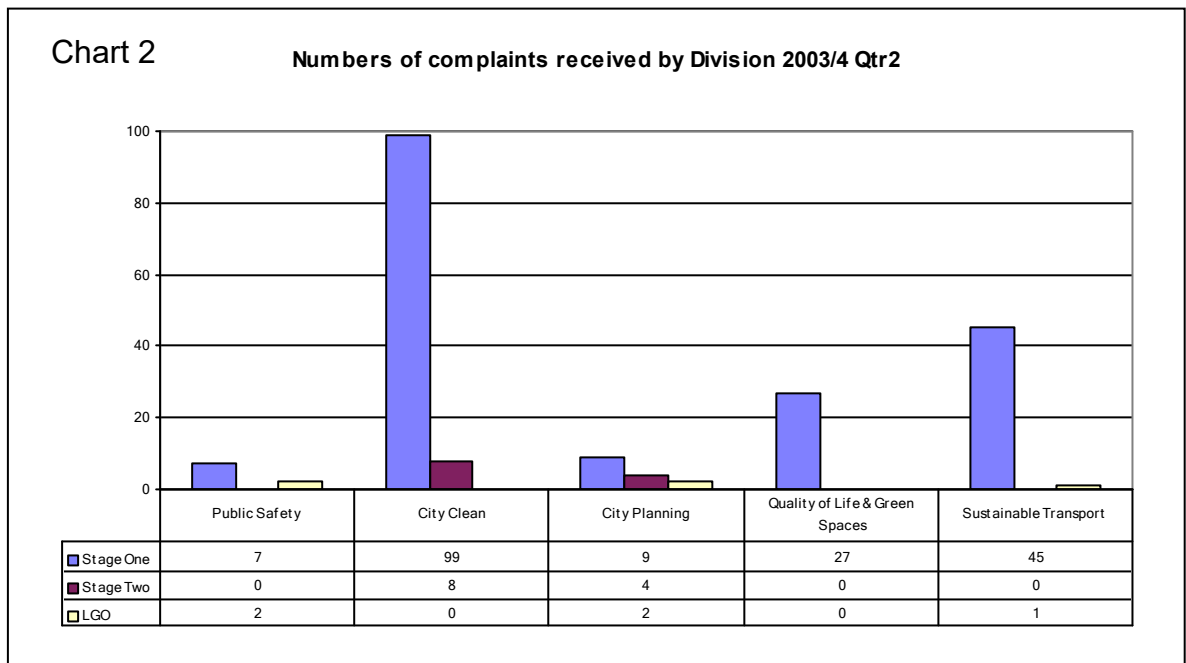
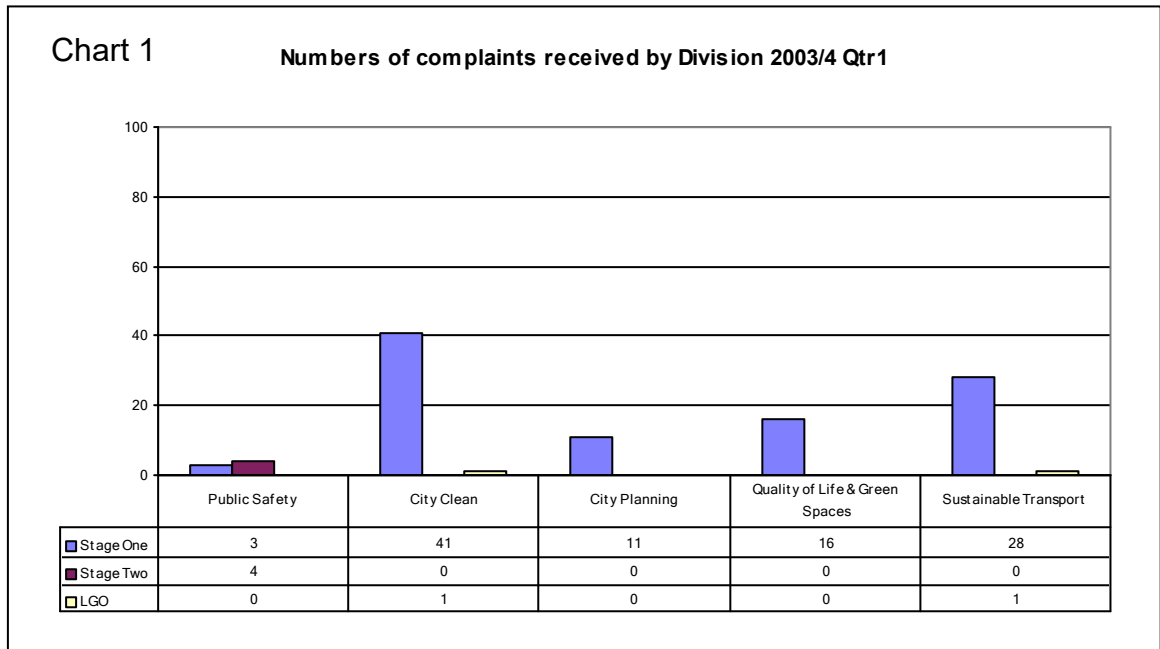
- 2.1 The Overview and Scrutiny Organisation Committee is asked to note the report.

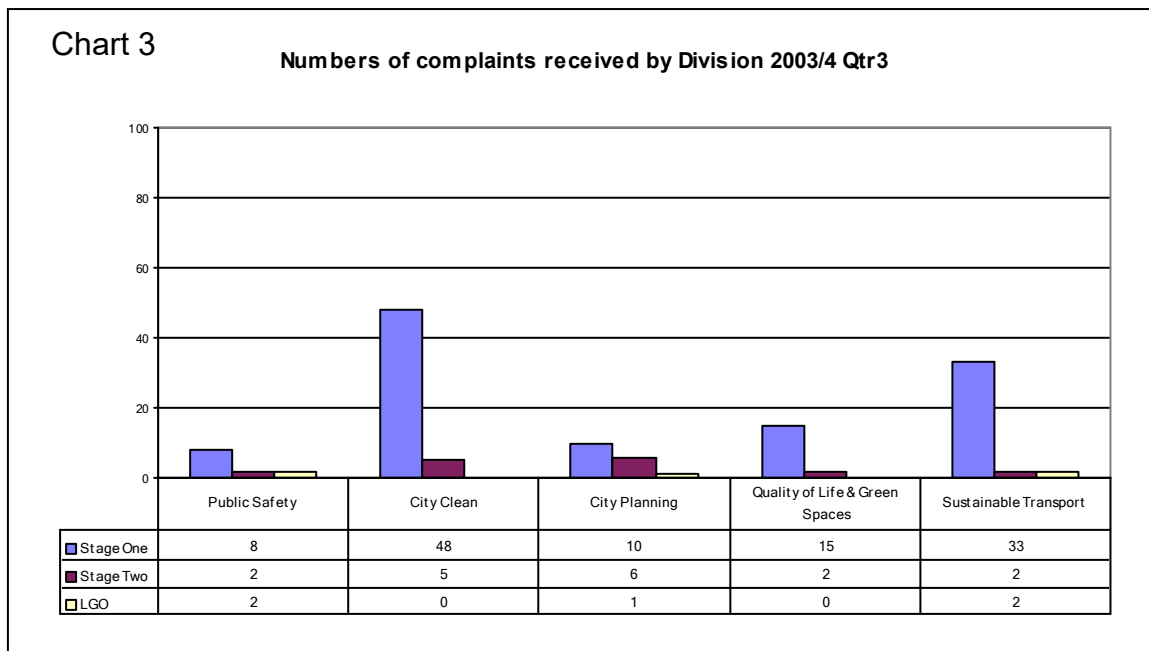
3. Information about Complaints and Compliments

- 3.1 Information in this report is in the form of graphs and tables giving comparative information about the numbers of complaints and compliments received by each division within Environment. Detailed information about numbers of complaints for each service is in Appendix 1. Detailed information about complaint issues showing sub-categories for each issue is in Appendix 2. Appendix 4 gives an overview of the complaints process.
- 3.2 Information about the Public Safety division is included in this report. Public Safety is part of the Chief Executive's directorate, however for practical purposes the assistant director with responsibility for Public Safety reports to the director of Environment.

3.3 A summary of the Ombudsman's decisions on complaints received by him is in section 3.7. There is a glossary of terminology used by the Local Government Ombudsman in Appendix 3.

3.4 Numbers of complaints received in Quarters 1, 2 and 3 in 2003/04





3.4.1 Charts 1,2 and 3 above show the number of complaints received by each division for each quarter. The numbers of complaints received at stages 1, 2 and from the Local Government Ombudsman are shown for each division. A summary of Local Government Ombudsman decisions is given in chart 7, section 3.7.

3.4.2 The vertical scale is the same in each of the above charts to make it easier to see a trend in the changing numbers of complaints. A data table is included under each chart giving the precise numbers of complaints received.

3.4.3 Details of complaints received by service are in Appendix 1.

3.6 Issues of Complaint for Quarters 1,2 and 3 in 2003/04

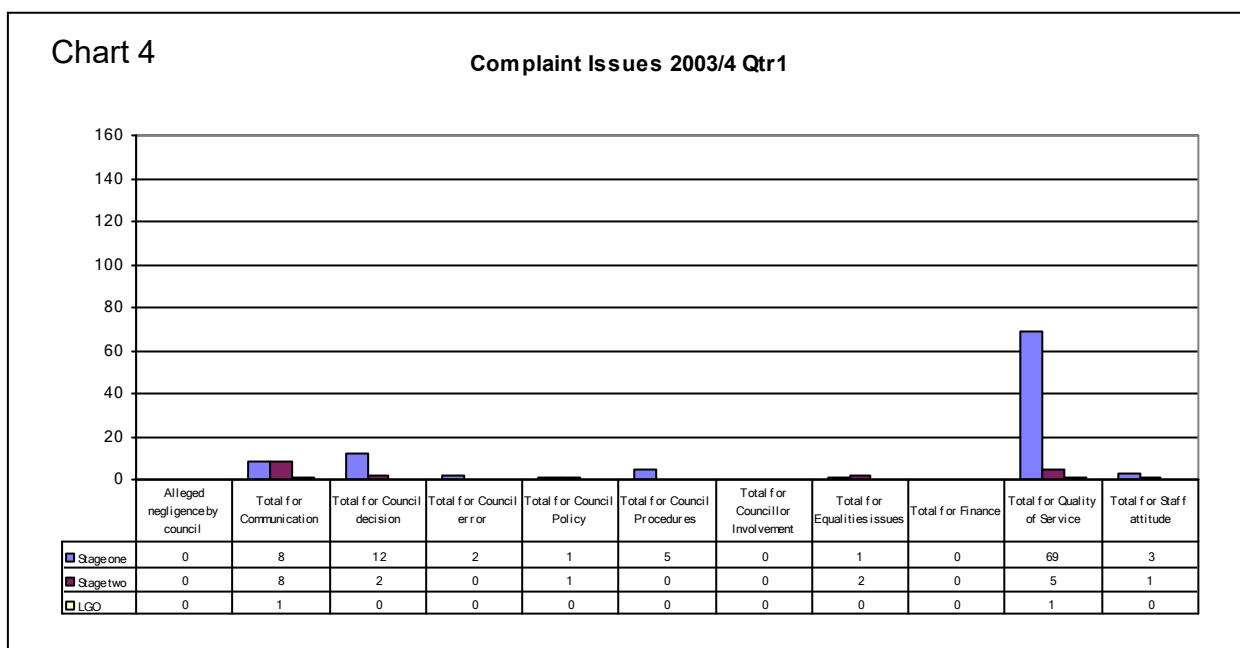


Chart 5

Complaint Issues 2003/4 Qtr2

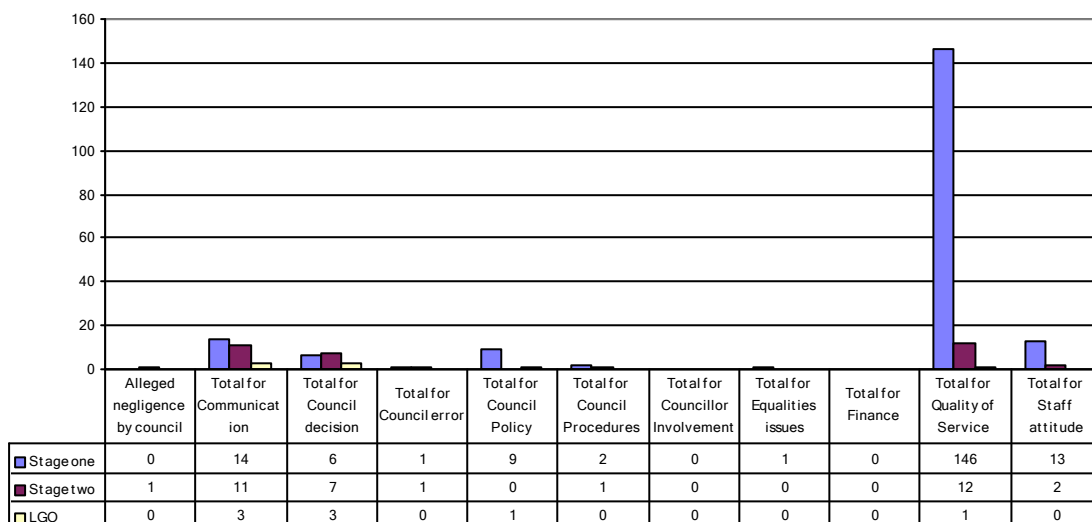
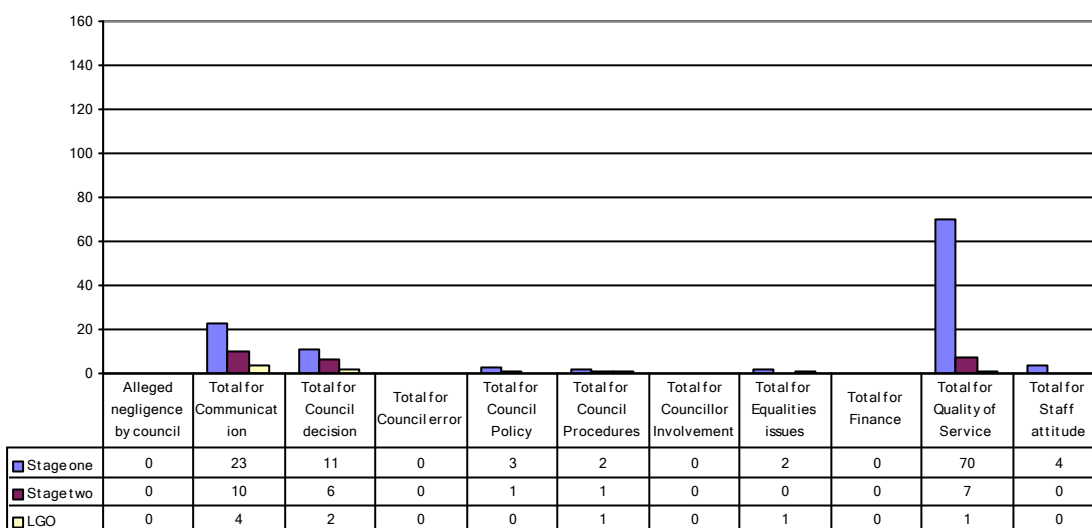


Chart 6

Complaint Issues 2003/4 Qtr3

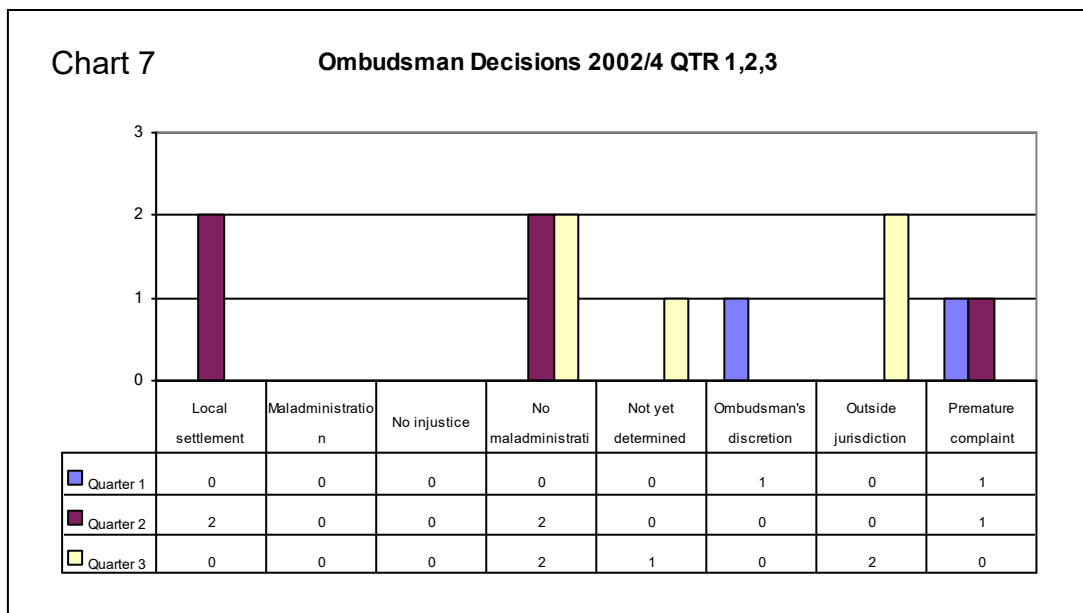


3.6.1 Charts 4, 5 and 6 above show numbers of issues of complaint received in each quarter of 2003/04.

3.6.2 The vertical scale is the same in each of the charts to make it easier to see a trend in the changing numbers of issues of complaint. A data table is included under each chart giving the precise numbers of issues of complaint received.

3.6.3 Details of the sub-categories of issues of complaints are in the Appendix 2.

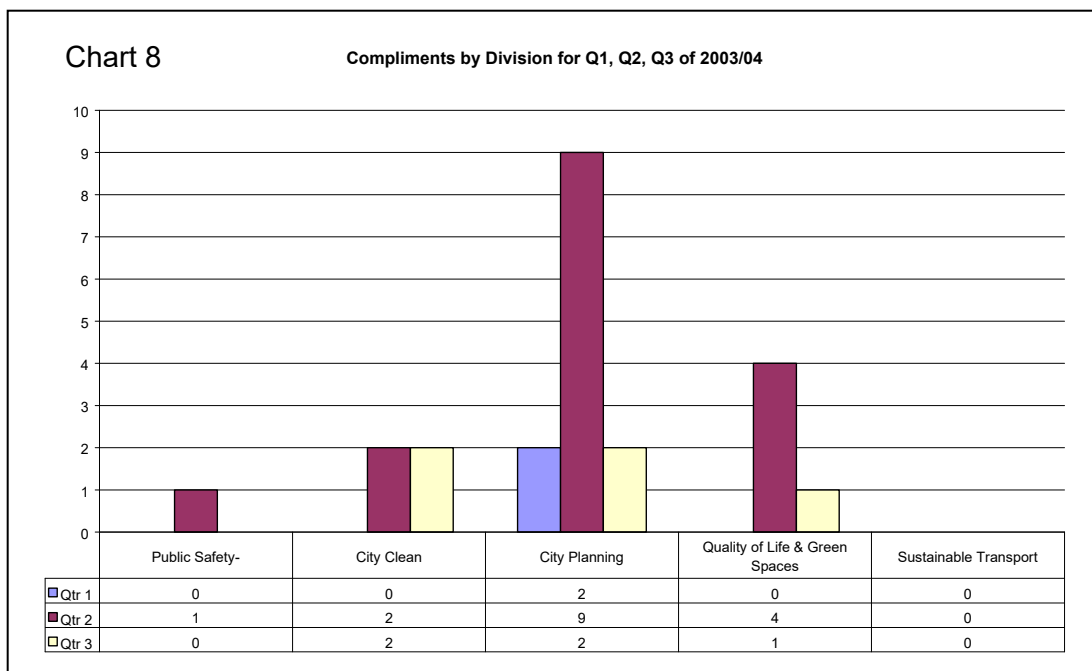
3.7 Summary of Ombudsman Investigations for quarter 1,2,3



3.7.1 There were twelve complaints received by the Local Government Ombudsman about services reporting to the director of Environment in quarters 1, 2 and 3. Chart 7, above, describes the decisions of the Local Government Ombudsman.

3.7.2 Appendix 3 gives a glossary of the terminology used by the Local Government Ombudsman.

3.8 Compliments



3.8.1 Chart 8 gives details of the numbers of compliments registered for each division.

3.9 Recommendations made to service teams

3.9.1 The following recommendations were made to service heads as a result of stage 2 investigations:

- Care should be taken in providing a description of a development. Where permission is granted retrospectively this should be stated in the description.
- Environmental Health should be prepared to hear objections even if there is no evidence to support the objection.
- When it is known that there is a solicitor acting on behalf of a client it is a matter of good practice for all contact to go through the solicitor.
- If meetings are to be cancelled it is good practice to advise the other party promptly giving reasons for the change.

Meeting/Date	Overview Scrutiny and Organisation Committee, February 2004	23
Report of	Director of Strategy and Governance	
Subject	Corporate Complaints Update	
Wards affected	All	

Financial implications None
Legal implications None

Corporate/Citywide implications None	Risk assessment Failure to identify complaint issues where there are recurring themes or emerging trends could result in unnecessarily high levels of dissatisfaction with council services among the public
Sustainability implications None	Equalities implications Equalities elements of complaints made to the Council to 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

The following table gives details of the numbers of complaints received by division and section within Environment.

Division/Section	Quarter 1			Quarter 2			Quarter 3		
	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO
City Clean									
Total for City Clean	41	2	1	99	8	0	48	5	0
City Planning									
Building Control	0	0	0	0	0	0	0	1	0
Development Control	11	4	0	9	3	2	10	5	1
Planning Strategy & Projects	0	0	0	0	0	0	0	0	0
Total for City Planning	11	4	0	9	4	2	10	6	1
Quality of Life & Green spaces									
Appearance and Contracts	1	1	0	9	0	0	4	1	0
Countryside & Sustainability	1	0	0	2	0	0	2	0	0
Leisure	0	0	0	0	0	0	0	0	0
Client Contract Unit	0	0	0	0	0	0	1	0	0
King Alfred	2	0	0	0	0	0	1	0	0
Seafront & Events	7	0	0	12	0	0	2	0	0
Outdoor Events	2	0	0	1	0	0	2	0	0
Sports Development	0	0	0	1	0	0	0	0	0
Parks and Green Spaces	1	0	0	1	0	0	2	1	0
Pest Control	0	0	0	0	0	0	0	0	0
Travellers	2	0	0	1	0	0	1	0	0
Total for Quality of Life & Green spaces	16	1	0	27	0	0	15	2	0
Sustainable Transport									
Highway Management	6	0	0	22	2	0	15	0	0
Parking Management	16	0	1	19	2	1	14	1	2
Transport Planning	2	0	0	4	0	0	4	1	0
Total for Sustainable Transport	28	0	1	45	4	1	33	2	2
TOTAL FOR ENVIRONMENT	96	7	2	180	16	3	106	15	3
PUBLIC SAFETY									
Community Safety	0	0	0	1	0	0	1	0	0
Drug & Alcohol Team	0	0	0	0	0	0	0	0	0
Environmental Health/Licensing	2	2	0	5	0	0	2	0	0
Community Services	0	0	0	0	0	0	0	0	0
Food Safety	0	0	0	0	0	0	0	0	0
Health Safety & Licensing	0	0	0	0	0	0	0	0	0
Noise Abatement	1	0	0	1	0	2	5	1	2
Pollution Control	0	0	0	0	0	0	0	0	0
Operations	0	0	0	0	0	0	0	0	0
Trading Standards	0	2	0	0	0	0	1	0	0
TOTAL FOR PUBLIC SAFETY	3	4	0	7	0	2	9	1	2
TOTAL FOR ENVIRONMENT AND PUBLIC SAFETY (combined)	99	11	2	186	16	5	114	17	5

APPENDIX 2

The following table gives details of the issues of complaint broken down into sub-categories.

Complaint issues / Sub categories	Quarter 1			Quarter 2			Quarter 3		
	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO
Alleged negligence by council	0	0	0	0	1	0	0	0	0
Communication	3	0	0	3	0	0	0	0	0
Breach of confidentiality	0	0	0	0	0	0	0	0	0
Delay in responding	1	1	1	1	3	1	0	1	1
Failure to consult	1	2	0	0	0	0	2	1	0
Failure to respond	3	2	0	6	1	1	16	1	2
Incorrect advice given	0	1	0	1	0	0	1	2	0
Information not provided	0	1	0	1	3	1	3	0	1
Internal communication	0	0	0	0	0	0	0	0	0
Previous response insufficient	0	0	0	0	1	0	0	2	0
Quality of information	0	1	0	2	3	0	1	3	0
Total for Communication	8	8	1	14	11	3	23	10	4
Council decision	9	0	0	5	2	1	2	0	0
Alleged illegality	0	0	0	0	1	0	0	0	0
Alleged unfairness	3	1	0	1	2	0	1	4	1
Communal Bins	0	0	0	0	0	0	11	0	0
Disagree with decision	0	0	0	0	0	0	3	0	0
Failure to take action	0	1	0	0	2	2	0	2	1
Fettering of discretion	0	0	0	0	0	0	0	0	0
Total for Council decision	12	2	0	6	7	3	17	6	2
Council error	2	0	0	1	1	0	0	0	0
Total for Council error	2	0	0	1	1	0	0	0	0
Council Policy	0	0	0	7	0	0	2	0	0
Alleged illegality	0	0	0	1	0	0	0	0	0
Inconsistency	0	0	0	0	0	0	0	0	0
Not adhered to	0	0	0	0	0	1	0	1	0
Not followed	0	0	0	0	0	0	0	0	0
Unclear	0	0	0	1	0	0	0	0	0
Unfair	1	1	0	0	0	0	1	0	0
Total for Council Policy	1	1	0	9	0	1	3	1	0
Council Procedures	4	0	0	0	0	0	1	0	0
No procedure in place	0	0	0	0	0	0	0	0	0
Not followed	1	0	0	2	1	0	0	1	0
Unclear	0	0	0	0	0	0	1	0	1
Total for Council Procedures	5	0	0	2	1	0	2	1	1
Councillor Involvement	0	0	0	0	0	0	0	0	0
Alleged impropriety	0	0	0	0	0	0	0	0	0
Delay	0	0	0	0	0	0	0	0	0
Failure to declare interest	0	0	0	0	0	0	0	0	0
Total for Councillor Involvement	0	0	0	0	0	0	0	0	0

Complaint issues / Sub categories	Quarter 1			Quarter 2			Quarter 3		
	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO	Stage 1	Stage 2	LGO
Equalities issues	0	0	0	0	0	0	0	0	0
Access	0	1	0	0	0	0	0	0	0
Behaviour	0	0	0	0	0	0	0	0	0
-Racist	0	0	0	0	0	0	0	0	0
-Sexist	0	0	0	0	0	0	0	0	0
Discrimination	0	0	0	1	0	0	1	0	0
-Age	0	0	0	0	0	0	0	0	0
-Disability	1	1	0	0	0	0	0	0	1
-Gender	0	0	0	0	0	0	0	0	0
-Race	0	0	0	0	0	0	1	0	0
-Religion	0	0	0	0	0	0	0	0	0
-Sexuality	0	0	0	0	0	0	0	0	0
Total for Equalities issues	1	2	0	1	0	0	2	0	1
Finance	0	0	0	0	0	0	0	0	0
Use of public money	0	0	0	0	0	0	0	0	0
Total for Finance	0	0	0	0	0	0	0	0	0
Quality of Service	13	0	0	17	0	0	1	0	0
Delay	0	1	0	3	1	1	3	1	1
Disrepair	0	0	0	0	0	0	1	0	0
Poor quality of service	51	0	0	113	7	0	58	3	0
Service charges	0	0	0	0	0	0	1	0	0
Service delivery	2	1	1	1	0	0	1	0	0
Service not provided	3	3	0	12	4	0	5	3	0
Total for Quality of Service	69	5	1	146	12	1	70	7	1
Staff attitude	1	0	0	4	0	0	0	0	0
Alleged assault	0	0	0	0	0	0	0	0	0
Alleged dishonesty	0	0	0	1	1	0	0	0	0
Bias	0	0	0	0	0	0	0	0	0
Rudeness	2	0	0	3	1	0	1	0	0
Uncaring	0	0	0	0	0	0	0	0	0
Unhelpfulness	0	1	0	5	0	0	3	0	0
Total for Staff attitude	3	1	0	13	2	0	4	0	0
Total	101	19	2	193	35	8	121	25	9

APPENDIX 3 - 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 4 **An overview of the corporate complaints process**

Stage 1 - Problem Solving

The Lead Officer for the section about who the complaint has been made should respond to complainant within ten working days. If it is not possible to give a full reply within ten working days a holding reply should be given explaining 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 by the Standards & Complaints team.

The Standards and Complaints team aim to complete 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, freephone 0500 291229.
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