

<b>OVERVIEW AND SCRUTINY COMMISSION</b>		<b>Agenda Item 18</b>	
		Brighton & Hove City Council	
<b>Subject:</b>		<b>Annual Complaints Report</b>	
<b>Date of Meeting:</b>		<b>20 July 2010</b>	
<b>Report of:</b>		<b>Monitoring Officer</b>	
<b>Contact Officer:</b>	<b>Name:</b>	<b>Brian Foley</b>	<b>Tel: 29-3109</b>
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<b>Wards Affected:</b>	All		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report gives information about complaints received by Brighton and Hove City Council during 2009/10.
- 1.2 The report shows how complaint levels have changed over the year and highlights complaint activity in the services people have most complained about.
- 1.3 The report describes some of the actions taken to improve services and reduce the levels of complaints.

**2. RECOMMENDATIONS:**

- 2.1 It is recommended that Overview and Scrutiny Commission note the report.
- 2.2 Overview and Scrutiny may wish to use the information contained within the report to look at specific service areas in more detail over the forthcoming year.

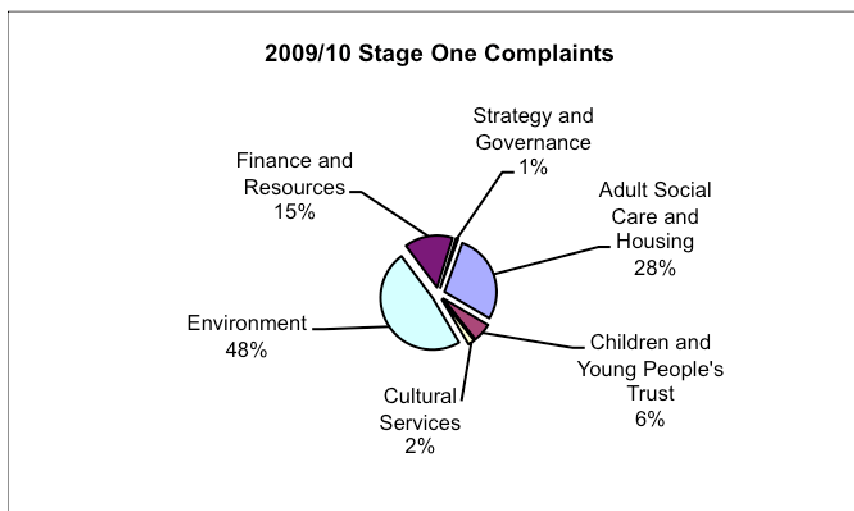
**3. RELEVANT BACKGROUND INFORMATION**

- 3.1 The Council uses three main complaints process.
  - Corporate complaints account for the great majority of complaints. BHCC has a two stage process which then leads to the Local Government Ombudsman (LGO).
    - Stage One complaints are investigated and replied to by Service Managers.
    - Stage Two complaints are investigated by Standards and Complaints Officers.
  - Adult Social Care is a statutory single stage process leading to Ombudsman.

- The designated Adult Social Care Complaints Manager liaises with the complainant and Services Managers to identify the best way to resolve the complaint.
- Children’s Social Care is a statutory three stage process leading to Ombudsman.
  - Stage One complaints are investigated and replied to by Service Managers
  - The designated Children’s Social Care Complaints Manager administers Stage Two investigations carried out by an Independent Investigator.
  - Stage Three is an Independent Review Panel.

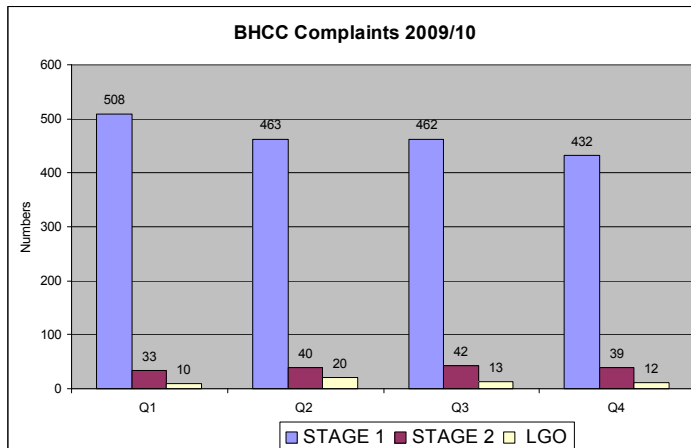
3.2 There were 1865 Stage One complaints in 2009/10; this compares favourably to previous years where there were 1988 in 2008/09, and 2157 in 2007/08.

3.3 The pie chart below shows the relative split between directorates for stage one complaints. Environment accounts for very nearly half of the complaints received, but this is a large directorate where the focus is almost entirely about delivery of services to the public.



3.4 The chart below shows that the number of Stage One complaints has reduced steadily over the over the course of the year from 508 in Q1 to 432 in Q4. Additional charts throughout the report show how the levels of complaints about key services have changed over the year.

3.5 Paragraphs 3.6 and 3.7 list the services that have had the greatest effect on the overall complaint numbers. Later paragraphs explain what is happening within those services to affect the level of complaints.



3.6 The services which have had the greatest impact on the reduction are:

- Adult Social Care: 34(Q1) to 22(Q4) =-8
- City Clean: 152(Q1) to 87(Q4) =-65
- City Parks: 23(Q1) to 5(Q4) =-18
- Revenues: 58(Q1) to 49(Q4) =-9

3.7 The overall reduction has been offset by increases in some services:

- Housing Management: 36(Q1) to 45(Q4) =+9
- Repairs and Maintenance: 40(Q1) to 55(Q4) =+15
- Housing Strategy: 14(Q1) to 20(Q4) =+6
- Housing Benefits: 14(Q1) to 18(Q4) =+4

3.8 Services where there has been no consistent pattern to the change in complaint levels:

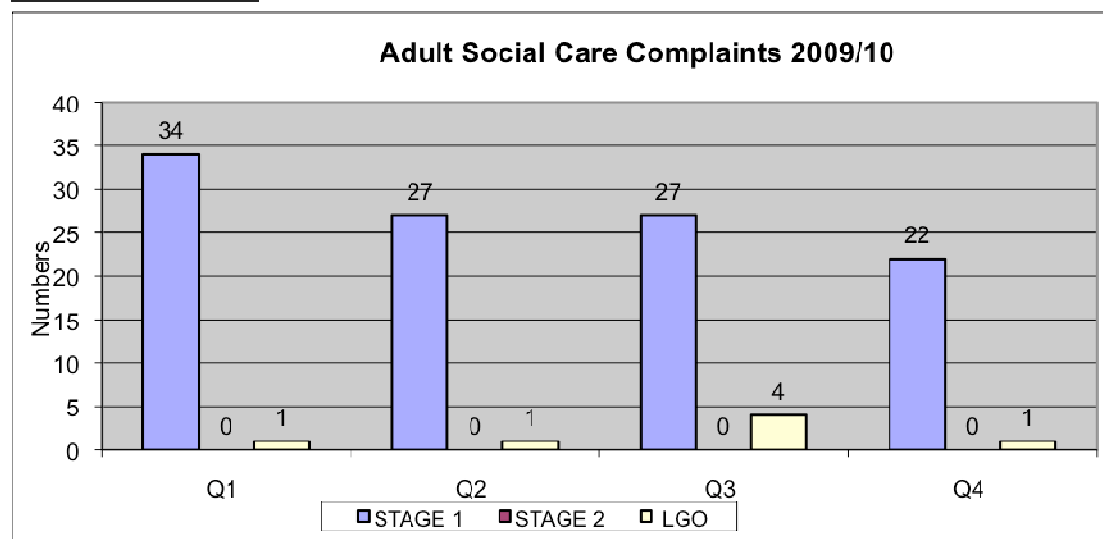
- Children's Social Care
- City Planning
- Sustainable Transport

3.9 There are other services where the numbers of complaints are so few that it is difficult to make a realistic comment. These would include, for example:

- Public Safety
- Sport and Leisure
- Life events
- Property and design
- Culture
- Strategy and Governance

## Services with Reducing Complaint Levels

### Adult Social Care



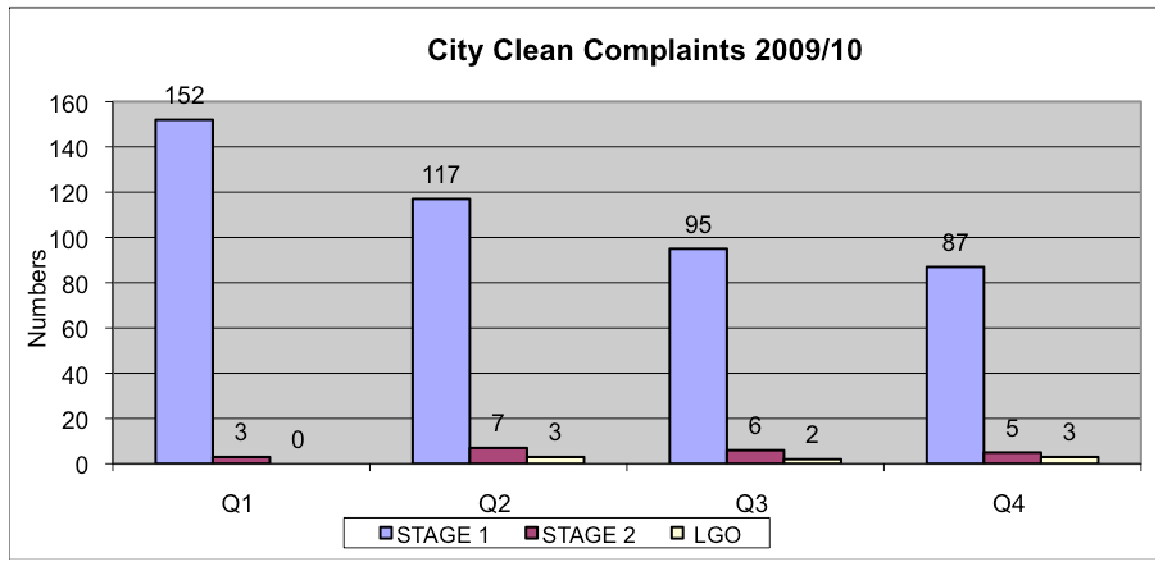
3.10 In April 2009 a new statutory complaints procedure was introduced called Listening, Responding, Improving. This requires the manager dealing with the complaint to agree with the customer how the complaint will be investigated and what will be done to resolve the matter. The emphasis is on seeking a resolution rather than apportioning blame. An essential feature of the process is that the respondent discusses with their manager what learning outcomes there have been and how those lessons may be incorporated into service improvements. The respondent also shares with the customer what learning has taken place.

3.11 There is no Stage Two. But customers/service users can go to the Ombudsman if they are not happy with the outcome. Adult Social Care have built a good relationship with the Ombudsman who views them as being helpful and willing to resolve complaints.

3.12 The services areas which receive the greatest complaints are:

- In House Home Care, which remains consistent through the year (17)
- Hospital Social Workers, complaints have reduced greatly (13)
- Older people's respite/residential care complaints have reduced (13)
- OT Adaptations have increased (11)

## City Clean



3.13 There has been a noticeable reduction in complaints after Q1. The main issue of complaints in that quarter were missed recycling and missed waste collections. At that time people who wished to report missed collections were unable to get through to the call centre, leading to additional secondary complaints.

3.14 The new collection rounds have now become familiar to crews. The contact centre has been re-organised and call times have greatly improved. Staff have been designated to deal with complaints and there are now weekly review meetings with the Assistant Director.

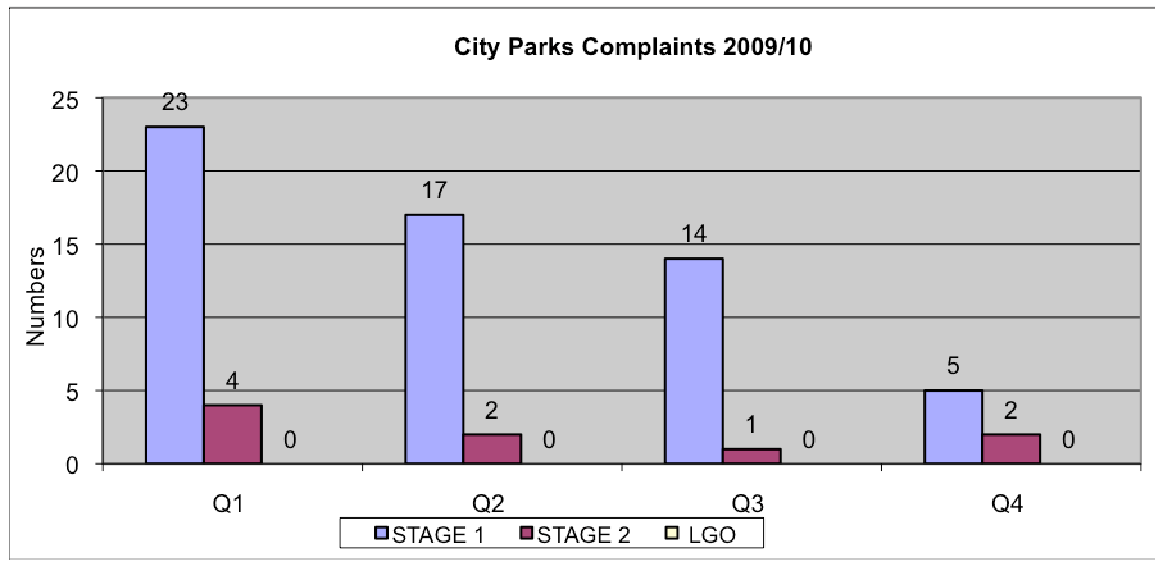
3.15 City Clean intend to introduce a personalised approach to attending to customer complaints with an emphasis on visits rather than letters.

3.16 City Clean are planning to make information more readily accessible so that customers do not have to rely solely on telephoning call centre advisors.

3.17 The level of Stage Two complaints seems unnecessarily high and it is anticipated that the proportion of people who are dissatisfied with the response to their complaints will reduce as City Clean take a more personalised approach to problem solving.

3.18 The ombudsman has been critical of the time it has taken to respond to issues they have raised about City Clean.

## City Parks



3.19 In Q1 complaints were about arboriculture and the allotment service.

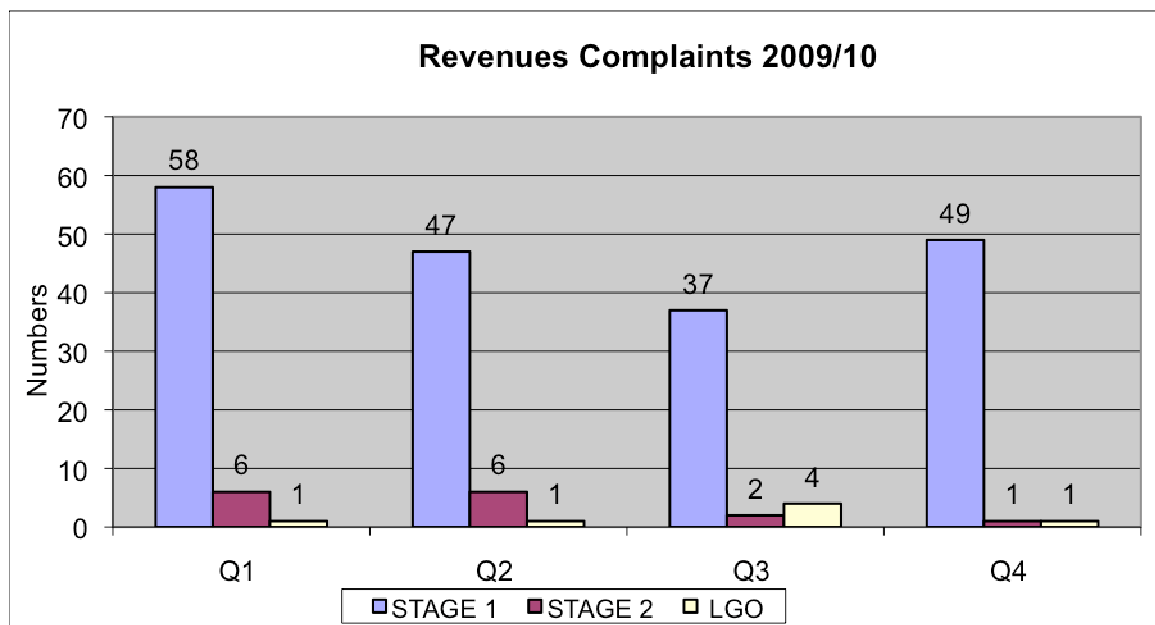
3.20 For arboriculture the complaints were mostly about delays in carrying out work.

3.21 There were no complaints about the allotment service in Q4.

3.22 There have been many compliments about the wild flowers that are being grown along the Lewes Road.

3.23 There have been no complaints referred to the Ombudsman.

## Revenues



3.24 There has been an overall reduction in complaints about Revenues over the year despite an increase in Q4.

3.25 The greatest number of complaints are about the actions of bailiffs (26) and what the public view as unwarranted legal action (36). Very few complaints about Revenues are upheld. This is also reflected in the findings of Stage two and Ombudsman investigations.

3.26 However the Ombudsman did issue a report about a case that began in 2008 where the council issued bankruptcy proceedings. BHCC procedures did require that a check be made to see if the person was vulnerable, but the procedure did not require a check with Adult Social Care. That procedure was changed in October 2008 before the Ombudsman’s investigation was concluded. The council paid the complaint £250 for the failure in the procedure.

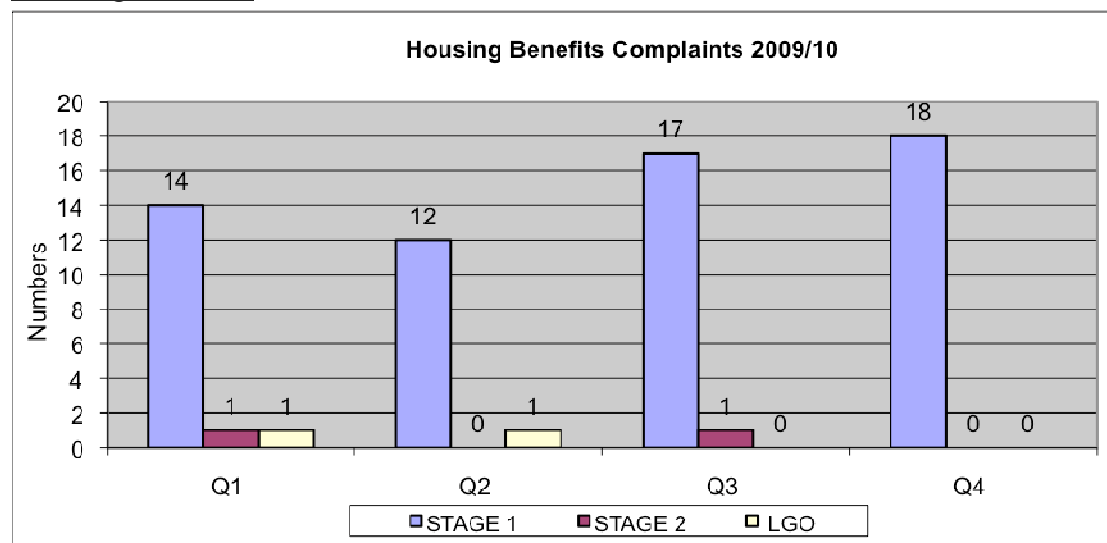
3.27 There have been 16 complaints about staff conduct. But this should be understood in the context that explaining unpopular decisions can be difficult both to communicate and to hear. There is generally a lack of evidence in support of allegations against staff but where the complaint has been upheld additional personal training has been provided.

3.28 Other significant areas of complaint concern incorrect assessments and overpayments (32) and delays in making payments. Whilst there are increasing demands being placed on the service the level of complaints regarding these issues have not increased.

3.29 Complaints about people being able to speak to officers on the telephone appear to be reducing following the introduction of a new telephony system.

## Services with Increasing Complaint Levels

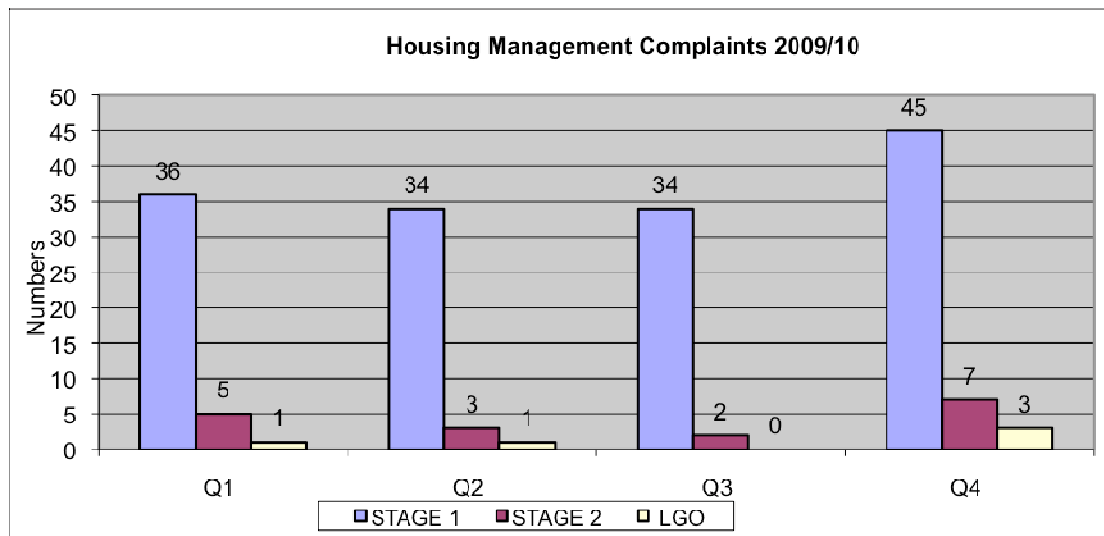
### Housing Benefits



3.41 Until Q2 complaints about the Housing Benefits section had consistently decreased. However, over the last half year the level of claimants has increased by 50% and we are seeing a corresponding increase in the level of complaints.

3.42 The issues of complaint that have increased are associated with that increased demand place on the benefits service. These include: Delay in processing time (11), Poor communication (6), Poor customer service (4), Incorrect advice (4), incorrect assessments (17) and allegations of unwarranted action (5).

### Housing Management



3.30 Stage One complaint levels in Q4 increased by about a third. The main service areas contributing to the increase are council owned car parks and garages (32), and complaints that Anti-social behaviour not being dealt with to the satisfaction of the complainant (23).

3.31 Housing have introduced a pilot scheme for improving the way anti-social behaviour is responded to. In Q3 there were no complaints about the handling of ASB cases. However, in Q4 the level of complaints returned to a similar level as in previous quarters.

3.32 Complaints about the car parks and garages are mostly dealt with successfully at Stage One, but this is clearly an emotive subject for residents and their visitors.

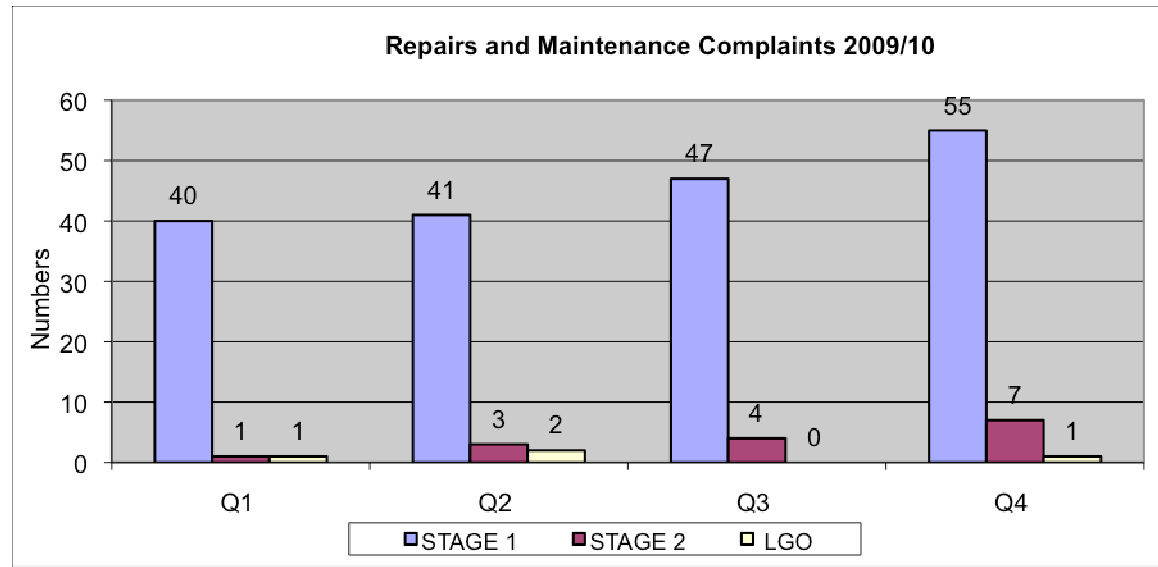
3.33 There is a general sense of dissatisfaction for some tenants that they are unable to successfully bid for properties they would like to move to (16). The ability to meet residents' wishes is very much affected by the availability of stock.



3.34 There does however appear to be a recurrent theme that residents are unhappy with staff and find them unhelpful. (23)

3.35 The way neighbour disputes and anti-social behaviour are dealt with and banding issues appear as Stage Two complaints.

### Repairs and Maintenance

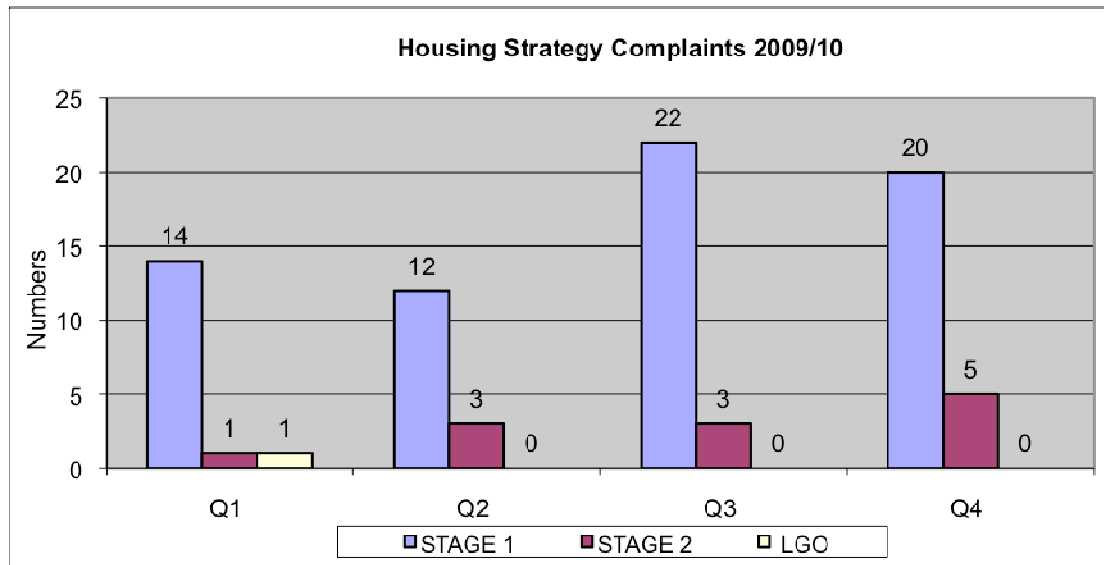


3.36 Complaints about Repairs and Maintenance increased by more than a third in Q4 compared to Q1 and Q2. The main issue of complaint continues to be delay in carrying out repairs (74).

3.37 It is probable that staff were focussing on transferring their work to the BHCC/Mears Partnership during the last half of the year and this had a knock on effect on the quality of work.

3.38 The increase in Stage Two complaints also suggests that managers were not fully addressing issues raised at Stage One.

## Housing Strategy

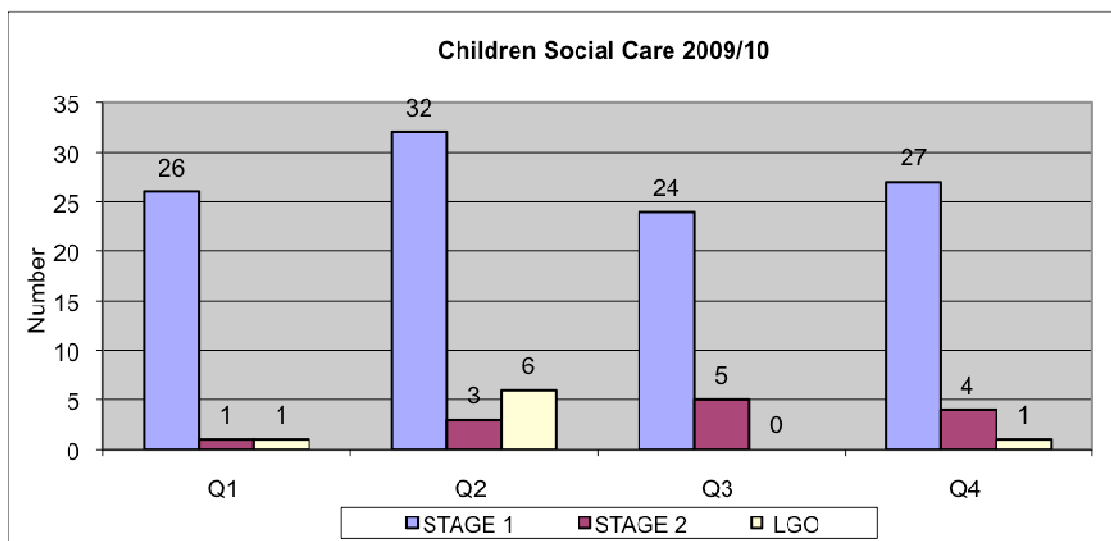


3.39 The primary issues of complaint this service deals with are private sector residents who are unable to successfully bid for properties, or who feel there has been an unnecessary delay in housing them.

3.40 As in Housing Management residents are often unhappy with the response they receive from the Team Leaders and seek a further investigation.

### **Services with no clear overall trend in complaint levels**

## Children's Social Care



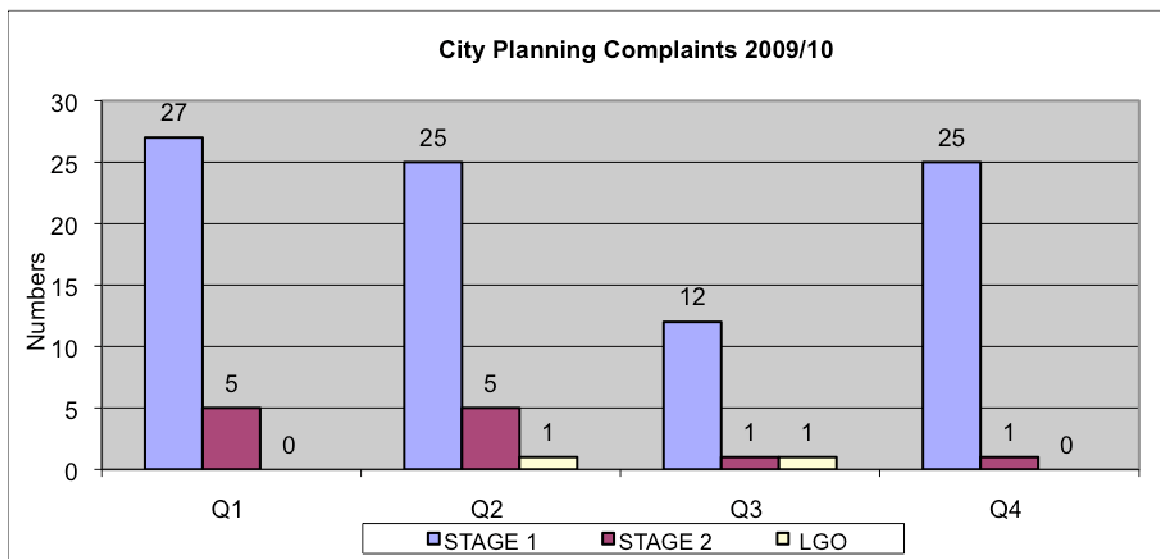
3.43 The level of complaints has remained fairly consistent over the year. It is generally accepted that there is under reporting of complaints from children and young people. The Youth Advisory Participation Manager and Complaints Manager are setting up a series of workshops with looked after young people to find out how the service can be made more accessible.

3.44 In the region of 5% of the complaints received are from young people.

3.45 Complaints about the work of social workers have to be viewed in the primary focus of the work is the child. The concerns of adults are therefore secondary and there is often a sense that adults dislike the 'interference' of social workers.

3.46 Often complaints contain multiple issues. The most common are; disagree with decision (90), staff attitude (63) or unhappy with the social worker (25).

### City Planning

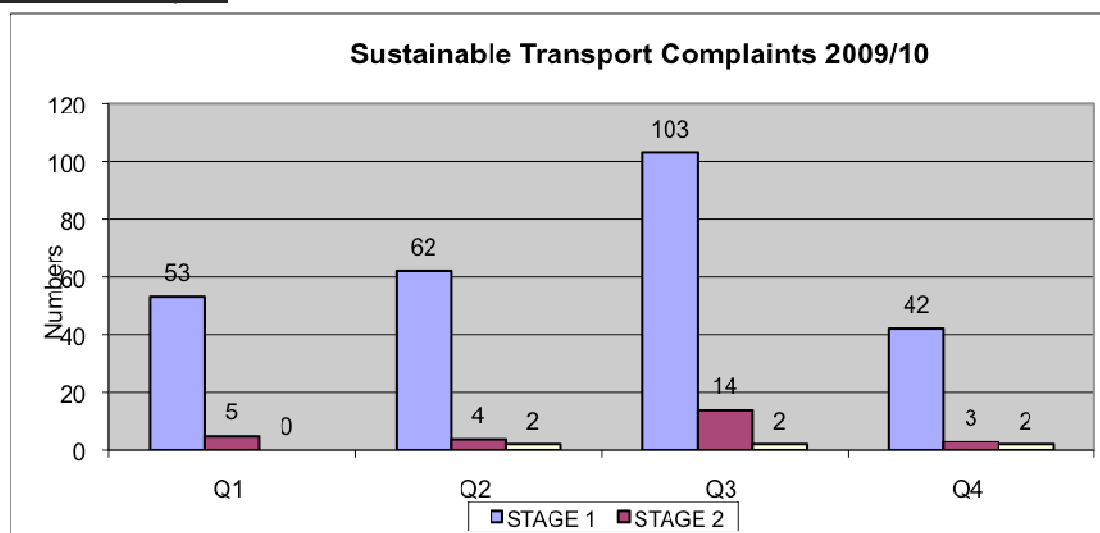


3.47 Complaint levels have been fairly consistent throughout the year except in Q3 where they dropped by half.

3.48 The main issue of complaint is that applicants disagree with the planning decision (17). Generally, this is not a matter that can be investigated under the complaints process. It is a decision of the Planning Committee and for some people there may be the opportunity to refer the matter to the planning inspectorate.

3.49 Last year Development Control were receiving large numbers of complaints that the service could not be accessed. A restructuring of the service has brought a considerable improvement for customers.

### Sustainable Transport



3.50 The Sustainable Transport Team have had a very high volume of complaints in Q3. More than half relate to consultation work for parking zones (69 in total, 48 in Q3). Twelve of those complaints were then escalated to Stage Two.

3.51 There is a fairly consistent background level of complaints the Parking Teams deal with which include actions of enforcement officers (15), administration of the Penalty Charge Notices (12), and staff conduct (8).

3.52 Complaints about the effect of severe weather were not recorded as formal complaints and were reviewed by a specific Overview and Scrutiny Committee.

### Ombudsman's Annual Report

3.53 The Ombudsman's Annual Report is included in Appendix 1 to this report and gives details of each of the local settlements agreed by the council.

3.54 The LGO received 101 complaints and enquires about BHCC during 2009/10 and referred 67 for investigation. Of these there were the following:

Maladministration with Injustice Reports:	1
Local Settlements:	17
No Maladministration:	32

Ombudsman's discretion (to close):	10
Outside jurisdiction:	7

3.55 The Ombudsman has reported that often the substantive responses he receives from BHCC are speedy; however there have been a number of occasions where the response has taken an inordinately long time.

3.56 This has caused our average reply time to be 32.3 days rather than not more than 28 days. This information is summarised in Appendix 2.

#### **4. CONSULTATION**

4.1 There has been no consultation.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 There are no direct financial implications arising from the recommendations of this report. The costs associated with complaints processes are managed within Directorate budgets.

Finance Officer consulted: Anne Silley                      Date 9 July 2010

##### Legal Implications:

5.2 There are no direct legal implications in this report for information.

##### Equalities Implications:

5.3 There are no equalities implications

##### Sustainability Implications:

5.4 There are no sustainability implications

##### Crime & Disorder Implications:

5.5 There are no crime and disorder implications

##### Risk and Opportunity Management Implications:

5.6 There are no Risk and Opportunity Management Implications

##### Corporate / Citywide Implications:

5.7 There are no Corporate or Citywide implications

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. The 2009/10 Annual Return to Standards for England
2. Summary of LGO information

### **Documents In Members' Rooms**

1. None

### **Background Documents**

1. None