

**Subject:** **Complaints Update – November 2013**  
**Date of Meeting:** **19 November 2013**  
**Report of:** **Monitoring Officer**  
**Contact Officer:** Name: **Brian Foley** **Tel: 293109**  
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**Wards Affected:** All

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This paper updates the Audit and Standards Committee on allegations about Member conduct following the last report to Audit and Standards Committee on 25 June 2013.
- 1.2 This also paper contains summary information about the number of complaints received about services the council provides.

**2. RECOMMENDATION:**

- 2.1 That the Committee note the report.

**3. RELEVANT BACKGROUND INFORMATION**

## Member Complaints

- 3.1 The current status of Member Code of Conduct complaints is:

## 3.1.1 Active complaints

- One complaint is in the process of being resolved by Local Resolution.
- One complaint has been referred for Investigation and is in progress.
- There have been four separate complaints about an alleged misconduct, which are being dealt with as a single Investigation.

## 3.1.2 Closed complaints:

- a. A member of the public who is the neighbour of a councillor complained that the councillor's hedge was overgrown and was causing her a nuisance. The member of the public additionally claimed that the councillor's spouse had made a fraudulent insurance claim. After consulting with an Independent Person the Monitoring Officer concluded that in respect of the complaint about the hedge the Member had not

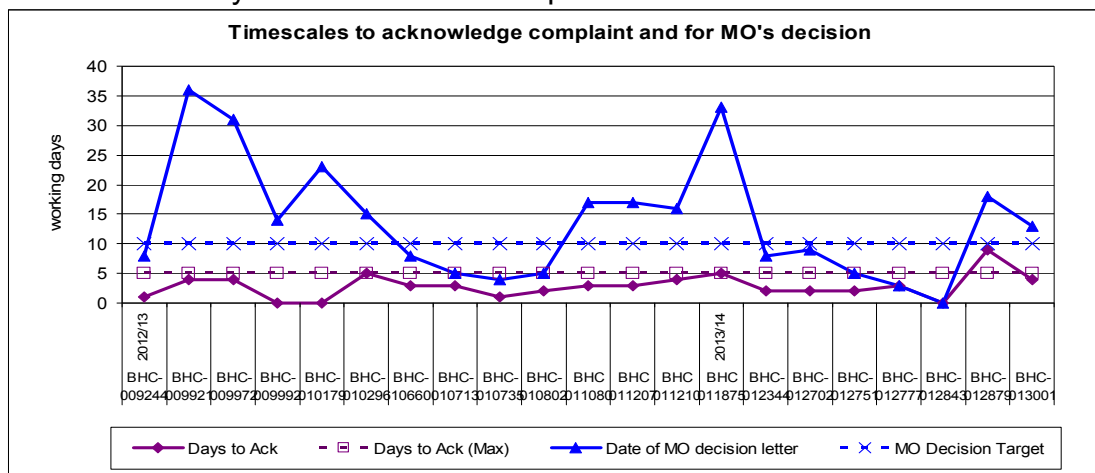
been acting in their capacity of councillor. It was not clear from the information given if the councillor was complicit with the alleged fraudulent insurance claim. In any event if the Member had been a party to a fraudulent claim this would be a potential criminal matter and would fall outside the Code of Conduct for Members. The Monitoring Officer decided not to refer the matter for investigation.

- b. A member of the public complained that a tweet from a councillor placed a specific taxi company at a commercial disadvantage by suggesting their service should be boycotted because of their objection to the 20mph speed limit in parts of the city. After consulting with an Independent Person and giving the matter careful consideration the Monitoring Officer concluded that under Article 10 of the Human Rights Act the councillor is allowed to express a personally held view. This principle has been tested in previous rulings and by third tier tribunals who generally seek to accommodate a person's right to Freedom of Expression. Additionally, the Monitoring Officer noted that taxi companies had entered the political arena in the form of adverts they had taken out in the local newspaper about the issue. He concluded that it would be difficult to identify a potential breach of the Code of Conduct and decided therefore not to refer the complaint for investigation.

3.2 The Council's performance in dealing with individual complaints about Member conduct is illustrated in the chart below.

3.2.1 Complaints about Member conduct should be acknowledged as soon as possible and within a maximum of 5 working days. To date all complaints except one have been acknowledged within 5 working days.

3.2.2 It is our intention that the complainant will normally be informed within 10 working days how the matter will be dealt with. The new process for dealing with complaints about member conduct is working well and decisions are now reached more quickly than under the previous arrangements. Consultations on individual cases with the Independent Persons take place promptly and have proven to be valuable. The Monitoring Officer will continue to ensure decisions are reached within the 10 day timescale whenever possible.



## Service Complaints

- 3.3 The following tables show the number of complaints the council receives about its services. The tables as set out describe the number of Stage One Complaints, Stage Two Complaints and Local Government Ombudsman Complaints. The information is then broken down to show numbers received by each Directorate.
- 3.4 The purpose of the information in the following charts is to give a sense of complaints activity rather than a detailed analysis.
- 3.4.1 In quarter 2, between July and September 2013, complaint numbers for Stage One and Stage Two are at their highest levels and complaints to the Ombudsman are the second highest in the 18 month period reported on.
- 3.4.2 For quarter 2 in 2012 there was a similar increase in Stage One complaints, which indicates this may be a seasonal variation. The data shows that most of the Directorates received greatest complaint numbers in quarter 2 in both years.
- 3.4.3 However, there was not a corresponding increase in Stage Two complaints in quarter 2 2012. The percentage escalating to Stage 2 in quarter 2 2012 was 8.1%, and for 2013 that figure was 13.9%.
- 3.4.4 There has been an increase in Stage One complaints between quarter 1 2013 and quarter 2 2013 of more than 25%. At Stage 2 that increase has been over 40%.
- 3.4.5 This suggests that more detailed work could be carried out to identify the root causes of these increases in complaints levels.
- 3.4.6 Numbers of complaints to the Ombudsman have increased each quarter, however, findings against the council remain very few.

<b>Summary of Stage One Complaint Numbers</b>	<b>Quarter 1 2012/13</b>	<b>Quarter 2 2012/13</b>	<b>Quarter 3 2012/13</b>	<b>Quarter 4 2012/13</b>	<b>Quarter 1 2013/14</b>	<b>Quarter 2 2013/14</b>
Adult Statutory Complaint	28	31	31	22	19	28
Child Statutory Complaint	18	10	9	10	11	21
Corporate Complaint	364	419	336	368	338	423
<b>Total</b>	<b>410</b>	<b>460</b>	<b>376</b>	<b>400</b>	<b>368</b>	<b>472</b>
Assistant Chief Executive	13	33	14	9	15	12
Adult Services	28	31	31	22	19	28
Children's Services	25	15	15	17	15	24
City Services	34	50	37	48	72	48
Environment Development and Housing	308	325	275	300	246	350

Finance and Resources	1	1	0	1	0	3
Schools	1	5	4	3	1	7
<b>Total</b>	<b>410</b>	<b>460</b>	<b>376</b>	<b>400</b>	<b>368</b>	<b>472</b>

<b>Summary of Stage Two Complaint Numbers</b>	<b>Quarter 1 2012</b>	<b>Quarter 2 2012</b>	<b>Quarter 3 2012</b>	<b>Quarter 4 2012</b>	<b>Quarter 1 2013</b>	<b>Quarter 2 2013</b>
Adult Services	0	0	0	0	0	0
Child Statutory Complaint	3	1	2	1	1	3
Corporate Complaint	38	34	26	45	42	59
<b>Total</b>	<b>41</b>	<b>35</b>	<b>28</b>	<b>46</b>	<b>43</b>	<b>62</b>
Assistant Chief Executive	0	0	2	0	0	0
Adult Services	0	0	0	0	0	0
Children's Services	4	3	2	2	3	3
City Services	2	5	4	5	2	4
Environment Development and Housing	35	25	20	38	38	54
Finance and Resources	0	1	0	0	0	0
Schools	0	1	0	1	0	1
<b>Total</b>	<b>41</b>	<b>35</b>	<b>28</b>	<b>46</b>	<b>43</b>	<b>62</b>
Escalating Stage One to Stage Two*	10.7%	8.1%	8.1%	12.1%	12.3%	13.9%

<b>LGO Complaints</b>	<b>Quarter 1 2012</b>	<b>Quarter 2 2012</b>	<b>Quarter 3 2012</b>	<b>Quarter 4 2012</b>	<b>Quarter 1 2013</b>	<b>Quarter 2 2013</b>
Adult Services	1	0	3	3	1	1
Assistant Chief Executive	0	0	2	0	1	0
Children's Services	3	1	4	1	3	3
Environment Development and Housing	5	9	15	8	9	12
City Services	1	0	1	1	4	2
Finance and Resources	0	0	1	0	0	1
Public Health	0	0	0	0	0	0
Schools	0	1	3	1	0	3
<b>Total LGO Complaints</b>	<b>10</b>	<b>11</b>	<b>29</b>	<b>14</b>	<b>18</b>	<b>22</b>
Escalating Stage One to Ombudsman**	2.4%	2.4%	7.7%	3.55	4.9%	4.7%

\* Adult Service complaint numbers are not included in this calculation as there is no Stage Two in the statutory complaint procedure.

\*\* All Stage One complaints are included in this calculation.

#### 4. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 4.1 The costs of complaints in terms of administration and compensation awards (where appropriate) are met within the allocated budget. There were no compensation awards in the period covered by the report.

*Finance Officer Consulted: Anne Silley*

*Date: 08 November 2013*

Legal Implications:

- 4.2 The Council's arrangements under which complaints about Member conduct are investigated and decided conform with the relevant provisions of the Localism Act 2011; and local procedures agreed by Audit & Standards Committee in September 2012, as amended in April 2013.

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 08 November 2013*

Equalities Implications:

- 4.3 There are no Equalities implications

Sustainability Implications:

- 4.4 There are no Sustainability implications

Crime & Disorder Implications:

- 4.5 There are no Crime and Disorder implications

Risk and Opportunity Management Implications:

- 4.6 There are no Risk and Opportunity Management implications

Corporate / Citywide Implications:

- 4.7 There are no Corporate or Citywide implications

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. None

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

1. None

### **Background Documents**

1. None