



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 27 October 2021

Wards affected: All wards

CORPORATE COMPLAINTS 2020-21

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To inform members of complaints received under the council's two-stage complaints process and the outcome of these, and complaints received via the Local Government and Social Care Ombudsman and Housing Ombudsman.

2. Recommendation

- 2.1 The report be endorsed.

3. Background to the report

- 3.1 The council operates a two-stage complaints procedure which deals with complaints about council services (including those carried out on behalf of the council by contractors or partners) and actions or lack of action by the authority or its officers.
- 3.2 At the first stage, a complaint will be sent to the relevant manager for a response, which should be provided within ten working days. The response should usually state whether or not the complaint is upheld and give reasons for the decision. If, due to the level of investigation required, it is not possible to respond within this timescale, the responding officer must contact the complainant to explain the reasons for this and to let them know when they may expect a response.
- 3.3 If a complainant is not satisfied with the response received to their complaint at stage 1, they may request a review of the matter. The review ("stage 2") is

reviewed by a more senior officer or an officer from a different service area who has not been involved in the case.

- 3.4 Should the complainant remain dissatisfied after stage 2 of the process, they have the opportunity to put their complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman, who will usually contact us to ask for further details of the case, copies of correspondence and later in the process, a response from officers.
- 3.5 The complaints and Ombudsman process is administered by Democratic Services, and a record is kept which includes a summary of the complaint and the outcome in order to monitor patterns and learn from complaints.
- 3.6 Under the constitution, monitoring of the complaints process is the responsibility of the Ethical Governance & Personnel Committee, and as such these reports are brought to the committee annually.

Breakdown of complaints received 2020/21

- 3.7 During the period 1 April 2020 – 31 March 2021 a total of 189 complaints were processed under the formal complaints procedure.

The number of complaints in 25 service categories is as below:

ASB/Environmental Health & Planning	2
Benefits (incl business grants)	12
Car Parks	3
Clean Neighbourhoods	15
Corporate Governance	5
Cultural Services	2
Customer Services	2
Democratic Services - Committees	1
Environmental Health	1
Estates	1
Finance - Insurance	1
General	1
Green Spaces	3
Housing Allocations	9
Housing Anti-Social Behaviour	6
Housing Repairs	20
Housing Tenancy Management	11
Housing & Planning – Building Control	2
IT (planning objection function)	1
Licensing	1
Markets	1
Planning & Development Management	46
Planning Enforcement	9
Refuse & Recycling	27
Revenues	7
Total number of complaints	189

3.8 The number of complaints received compares with the previous years as follows:

2019/20	163	2012/13	54
2018/19	177	2011/12	39
2017/18	181	2010/11	39
2016/17	174	2009/10	37
2015/16	107	2008/09	31
2014/15	96	2007/08	28
2013/14	74	2006/07	27

3.9 There has been a 16% increase in complaints to the authority this year. For the previous two years, despite the national trend of an increase, complaints to this authority had decreased for the second year in a row. It should also be noted that we have received positive comments during this period, particularly in relation to the Councils' response to the covid pandemic. In previous years, complaints increased in part due to the introduction of an online complaints form, which made accessibility easier for customers to make a complaint. This led to an increase in complaints that would previously have been dealt with in the course of business following a phone call to Customer Services or the appropriate team.

3.10 Of the 189 complaints processed, the following outcomes were recorded:

Complaint upheld	40
Complaint upheld in part	17
Complaint not upheld	131
Other	1

3.11 In order to learn from complaints and, more importantly, the instances where complaints have been upheld or upheld in part, these can be broken down as follows:

ASB/Environmental Health & Planning	1
Benefits (incl business grants)	2
Car Parks	1
Clean Neighbourhoods	10
Corporate Governance	1
Customer Services	1
Environmental Health	1
Estates	1
Green Spaces	3
Housing Anti-Social Behaviour	1
Housing Repairs	9
Housing Tenancy Management	3
Licensing	1
Planning	1
Planning Enforcement	3
Refuse & Recycling	15

Revenues	3
Total upheld or upheld in part	57

- 3.12 Compensation was offered as a result of a stage 1 complaint during 2020/21 with a value of £1540.83 (£357.20 compensation and write-off of a recharge to the value of £1188.63).
- 3.13 Of the 189 complaints received, 145 went no further than stage 1, suggesting that the complainant was satisfied with the response, and 44 were reviewed at stage 2.

These stage 2 complaints related to the following service areas:

Anti Social Behaviour/Env. Health/Planning	2
Benefits	2
Car Parks	1
Clean Neighbourhoods	1
Corporate Governance	5
Cultural Services	2
Democratic Services (Committees)	1
Housing Anti-Social Behaviour	1
Housing Allocations	3
Housing Repairs	4
Housing Tenancy Management	7
Markets	1
Planning	4
Planning Development Management	4
Planning Enforcement	4
Refuse & Recycling	2
Total	44

Learning from Complaints

- 3.14 The Ombudsman requests that when reporting on local complaints, authorities should focus on learning and on implementing recommendations for improvements that can help prevent the same thing going wrong again. Complaints are a valuable source of information which helps to identify recurring or underlying problems and potential improvements.
- 3.15 All of the complaints where the complaint was upheld and fault has been found have been reviewed to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Due to the nature of the complaints that were upheld, measures to resolve the complaint are largely corrective action where we have been at fault for poor service.

Corrective action typically consists of both individual redress, for example an apology, carrying out overdue work, reminder to staff of policies and procedures or additional training identified and the complaint is then resolved.

3.16 Service improvements were implemented in two cases of the upheld complaints and changes to operational practice were identified and developed as a result of these complaints.

- (i) Complaint about a driver causing confusion in a moving vehicle because he had failed to operate his vehicle correctly by using hazard lights incorrectly and a suggestion that he not been trained by the council correctly.

As this was a breach of the council's Health and Safety policy the driver received a warning and was re-issued with all relevant driving risk assessments and the council's driving policy. In addition, all relevant staff received a tool box talk which highlighted safe driving practice including the use of the hazard lights and the importance of when and how to use these.

- (ii) Complaint about the "spinney" being mown and damaged, allegedly killing wildlife.

Whilst the reasons for the mowing of the meadow were explained, the points raised were acknowledged and changes to maintenance practices were agreed.

Local Government and Social Care Ombudsman (LGSCO) complaints

3.17 During 2020/21 six complaints about this authority were lodged with the LGSCO (not including complaints received by the Ombudsman but dismissed at an early stage without asking us for information). This was four fewer than the previous year.

3.20 The outcome of the six complaints was as follows:

- No fault
- Not investigated as no evidence or fault
- Not investigated
- Not investigated as did not cause personal injustice
- Not investigated as complaint was from a public body
- Not investigated as unlikely to find fault, not caused injustice and cannot achieve desired outcome

3.21 The annual review letter from the LGSCO is attached as an appendix. The data may not align with our own records due to the number of complaints dismissed without having contacted us for any information and the conclusion of complaints from the previous year within the figures.

Housing Ombudsman complaints

- 3.22 One complaint was lodged with the Housing Ombudsman during 2020/21.
- 3.23 The investigation into the complaint found service failure and recommended paying compensation of £300 and training for complaint handlers.

Persistent and unreasonable complainant behaviour policy

- 3.24 The Persistent and unreasonable complainant behaviour policy is in place to address unreasonable behaviour where the frequency or nature of a complainant's contact with the council takes up unjustifiable officer time and resources, making it hard for officers to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.
- 3.25 The policy has been applied to one person in 2020/21.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 This report is to be taken in open session.

5. Financial implications (IB)

- 5.1 None.

6. Legal implications (MR)

- 6.1 None.

7. Corporate Plan implications

- 7.1 This report supports all aims and objectives by ensuring the public and external organisations have the opportunity to raise issues with the authority which assist in improving services to the public.

8. Consultation

- 8.1 None.

9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Failure to provide satisfactory services or service improvements	Ensure service areas learn from complaints	Service managers

10. Knowing your community – equality and rural implications

10.1 The complaints process about which this report is written is in place to ensure equality in service provision and to protect the rights of the individual. The process is available and accessible to all customers.

10.2 Assistance is offered and provided to support complainants in completing the form and in providing all relevant information, and complaints are accepted in the format that is most appropriate for the individual

10.3 Where there is a proposed new service, change of service, or a new or reviewed policy, an Equality Impact Assessment is required and has been undertaken and can be viewed here: None required – this is not a new service or a review of policy.

11. Climate implications

11.1 This report is not proposing a new policy or service and therefore has no impact on climate change.

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: Previous years' complaints reports

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