



**Corporate Complaints**  
**Annual Report 2008-2009**

## **1 INTRODUCTION**

- 1.1 This report outlines key changes and future developments in corporate complaint handling as well as providing statistical data on the corporate complaints and Ombudsman complaint received for the period 1 April 2008 to 31 March 2009.
- 1.2 Complaints relating to Adult Social Care are reported within Torbay Care Trusts Annual Complaints Report.
- 1.3 Complaints relating to Children's Services, which come under The Children Act 1989, are reported in the Children Services Complaints and Representations Annual Report.

## **2 WHAT IS A CORPORATE COMPLAINT?**

- 2.1 Torbay Council defines a corporate complaint as a customer letting us know they are unhappy with;
  - the quality and/or standard of service provided
  - the quality of information or advice given
  - the Council's failure to comply with its procedures, rules, statutory obligation or published service standards
- 2.2 Complaints can be made face-to-face, by telephone, email, text, letter, on our complaints form or via a third party – such as elected members, Member of Parliament and representatives of statutory and non-statutory organisations.

## **3 CHANGES**

- 3.1 As part of the Council's transformation agenda the Customer Feedback function was split are now processed and monitored by the Customer Contact service area; the processing of on-line complaints and compliance of corporate complaints is carried out by the Information Governance Team. The Information Governance Team is also now responsible for the processing and compliance of Children's Services complaints, so the change means that there is one central point for members of the public to contact for any complaints. It also ensures that there is consistency in relation to processing and compliance impacts. It is envisaged that the Information Governance Team will be updating its current logging and tracking system within the next 8 – 12 months to reflect the need to record and monitor all complaints in a manner which facilitates reporting statistical data.
- 3.2 The Information Governance Team is responsible for ensuring that customer complaints are dealt with in accordance with our published corporate complaints procedures, this includes providing advice and support to service areas when dealing with complaints.

## 4 COMPLAINTS STATISTICS

- 4.1 Details of complaints received by the Council are recorded on the Council's electronic recording form by the service area the complaint relates to.
- 4.2 Not all stage one complaints are recorded. Most complaints can be dealt with quickly and informally by the person dealing with the enquiry. If a verbal complaint is received and resolved to the customer's satisfaction, there is no requirement to corporately record details of the complaint. Service areas are however encouraged to implement an appropriate way of recording, monitoring and analysing these complaints within their business unit.
- 4.3 124 stage one complaints were recorded for the period 1 April 2008 to 31 March 2009. An analysis of these complaints can be found in **appendix 1**.
- 4.4 The majority of complaints recorded were in relation to two areas: Customer Contact, which includes the Call Centre, Connections/First Stop Shop, Exchequer & Benefits; and Spatial Planning, which encompasses Planning & Development Services and Building Control. Both of these service areas have a high daily volume of contact with our customers and deal with matters that can be very emotive and/or contentious.
- 4.5 50 Stage two investigations were completed and 30 Stage three reviews were requested in the financial year 1 April 2008 to 31 March 2009. Further details can be found in **appendix 2**.

## 5 LEARNING FROM COMPLAINTS

- 5.1 From the 50 complaints that reached stage 2, 22% resulted in a service being changed and/or policies or procedures being reviewed. Details of these changes can be found in **appendix 2**.
- 5.2 Although no decisions were changed at stage 3, the number of customers who proceeded to contact the Local Government Ombudsman following a review, reduced by half, from 44% in 2007-2008 to 22% in 2008-2009.

## 6 LOCAL GOVERNMENT OMBUDSMAN

- 6.1 The way in which the Local Government Ombudsman records and reports on complaints has changed; it is therefore difficult to compare some of the statistics with previous years.
- 6.2 The number of complaints the Local Government Ombudsman received about Torbay Council reduced very slightly this year, from 43 in 2007-2008 to 42 in 2008-2009. Further information and an analysis of Ombudsman complaints received for the year 2008-2009 can be found in **appendix 3**.
- 6.3 47% of complaints received by the Local Government Ombudsman were regarding Spatial Planning. This is a high proportion compared to the national trend; however, the Local Government Ombudsman has not highlighted this as a concern in his annual report. It is recognised that the bay, historically, has always had a high percentage of Planning &

Building control complaints nevertheless, over the last 5 years none of these complaints have resulted in a decision of maladministration.

- 6.4 For the second year running we had no cases of maladministration. The number of local settlement cases, however, increased slightly from one in 2007-2008 to 3 in 2008-2009.
- 6.5 The Council is required to respond to the Ombudsman enquiry letters within 28 working days. The number of days taken to respond in 2008-2009 was 28.3 days. Although a small increase on last year's figure, we are still meeting the timescale set; only 56% of Unitary Authorities responded to enquiries within 28 days or less.
- 6.6 Every year the Local Government Ombudsman provides each Council with a summary of the complaints they have dealt with within the Council's area. The report also provides information on how Councils can improve their complaint handling and services generally. The report is published on both Torbay Council's and the Local Government Ombudsman's website. In concluding this year's report the Local Government Ombudsman, Mr Jerry White, stated 'The pattern of complaints against your Council would not appear to be unusual in the context of the number of transitions it handles on behalf of its citizens during a year. I am grateful for your willingness to settle complaints where it is appropriate.'

## 7 EQUALITY

- 7.1 As part of the Council's commitment to promote and demonstrate fairness and equality of opportunity in all Council services, all customers, who have made a complaint, are asked to complete an equalities monitoring form.
- 7.2 Our Customer Advocacy Manager ensures that no customers are disadvantaged if they wish to pursue a complaint and acts as, or assists in, providing a suitable advocate to support the customer.
- 7.3 Equalities information collected during the period 1 April 2008 to 31 March 2009 can be found in **Appendix 4**.

## 8 DEVELOPMENTS

- 8.1 During the last year guidance on remedies has been produced by the Information Governance Team. The guidance offers suitable solutions to consider when a customer's complaint is justified; this should lead to a more consistent approach in resolving complaints. Procedures have also been put into place to ensure any financial settlements are recorded and signed off by an appropriate Manager.
- 8.2 The Council's Unacceptable Behaviour Policy has been replaced with a new Standard Communication Policy. The original policy covered complaints only; the new policy includes any type of communication from customers.
- 8.3 From May 2009, Children's Services complaints are also being processed by the Information Governance Team. This will mean that customer complaints, regardless of

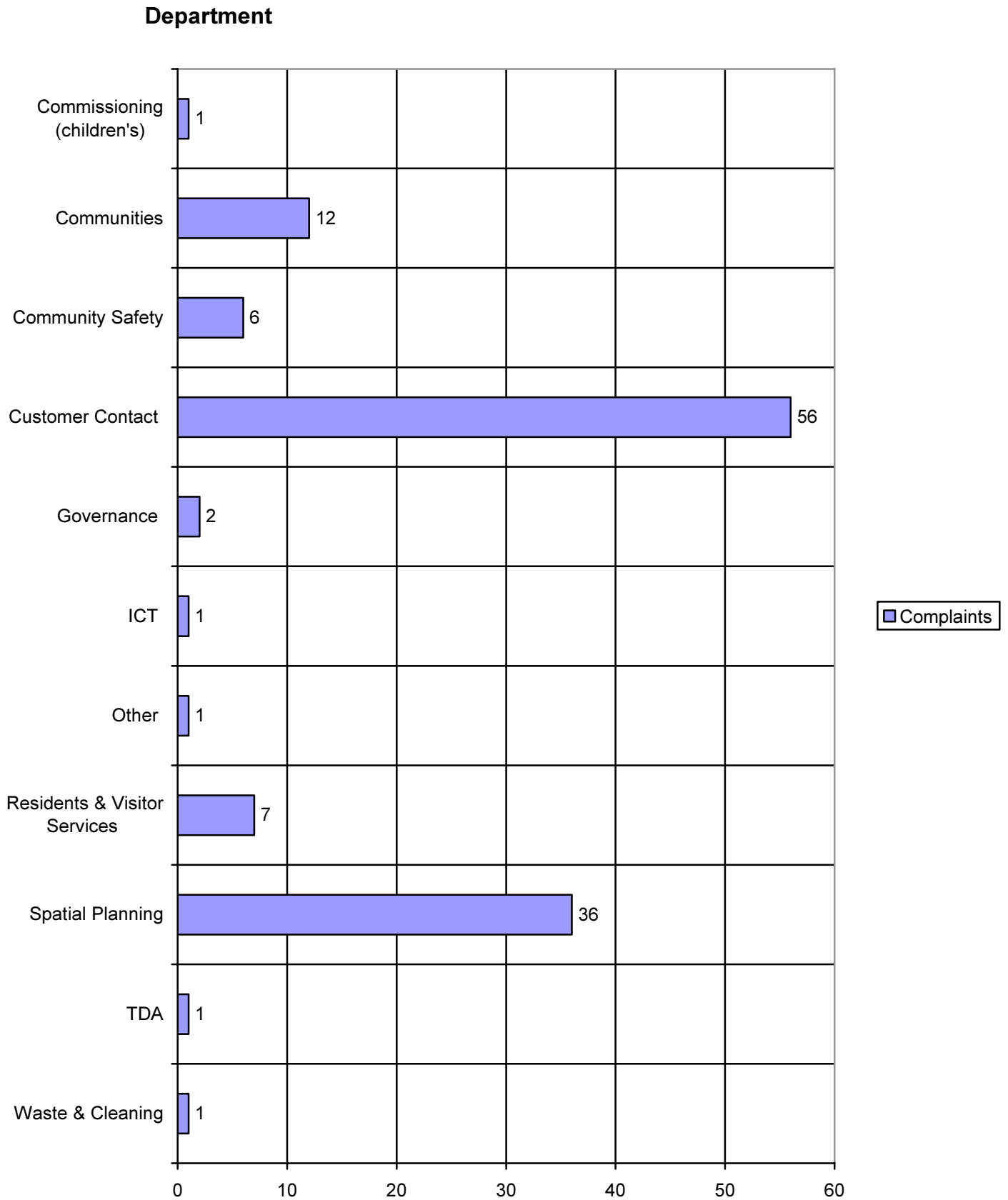
whether they are deemed to be a corporate complaint or Children's services complaint, will be governed by one team.

## **9 FUTURE DEVELOPMENTS**

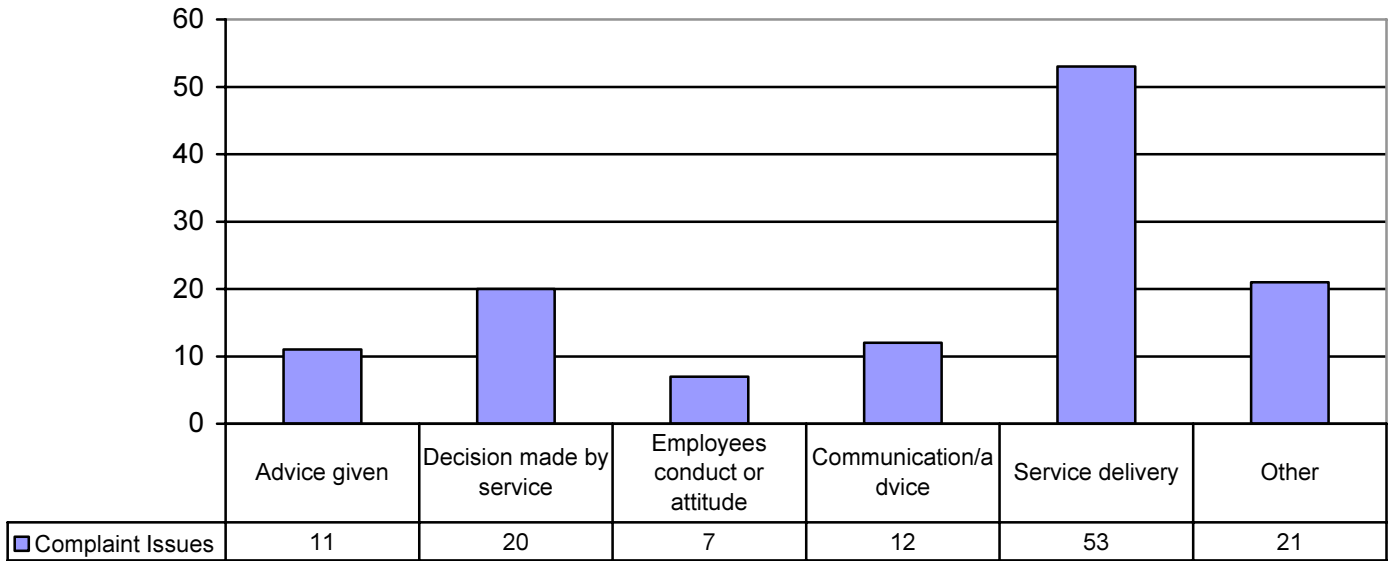
9.1 Torbay Council recognises that complaints are important and can assist us to shape and improve the services we provide. We are currently looking at introducing a web based tracking and monitoring system for complaints, which will not only ensure that all complaints are dealt with, and resolved, in accordance with our policies, but will also provide essential complaints data. This information will be analysed to ensure we continue to improve our service delivery and strive towards providing an excellent service to our customers.

# APPENDIX 1

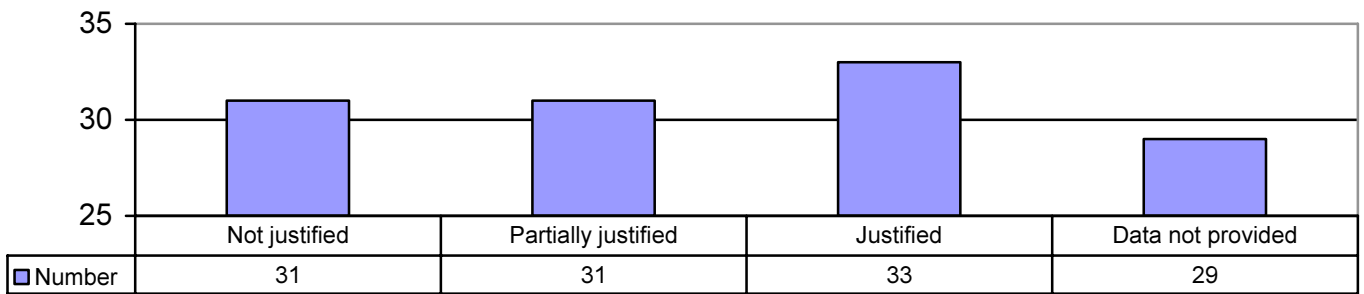
## Stage 1 Corporate Complaints 01/04/08 to 31/03/09



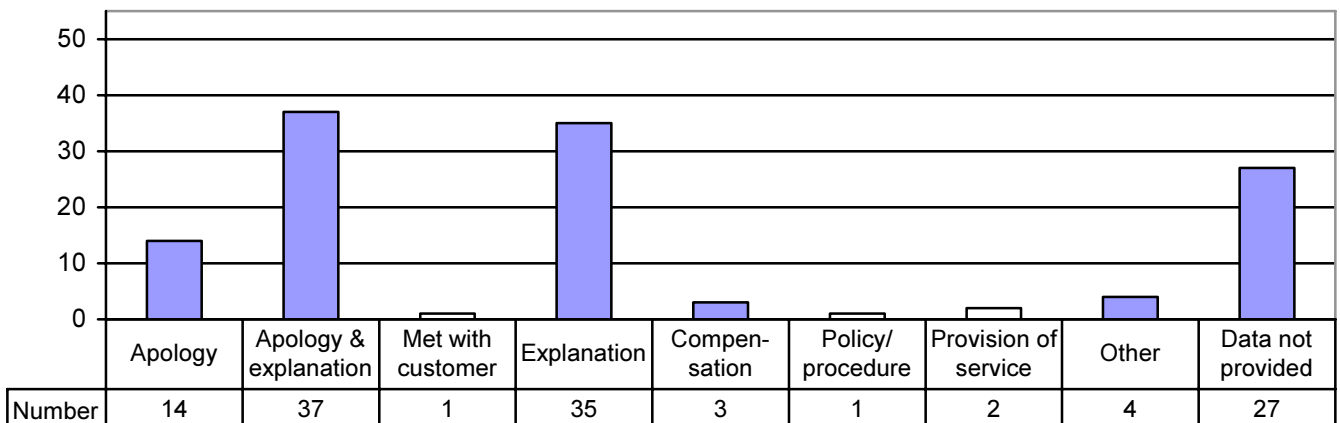
### Stage 1 complaint topics



### Was the stage 1 complaint justified?



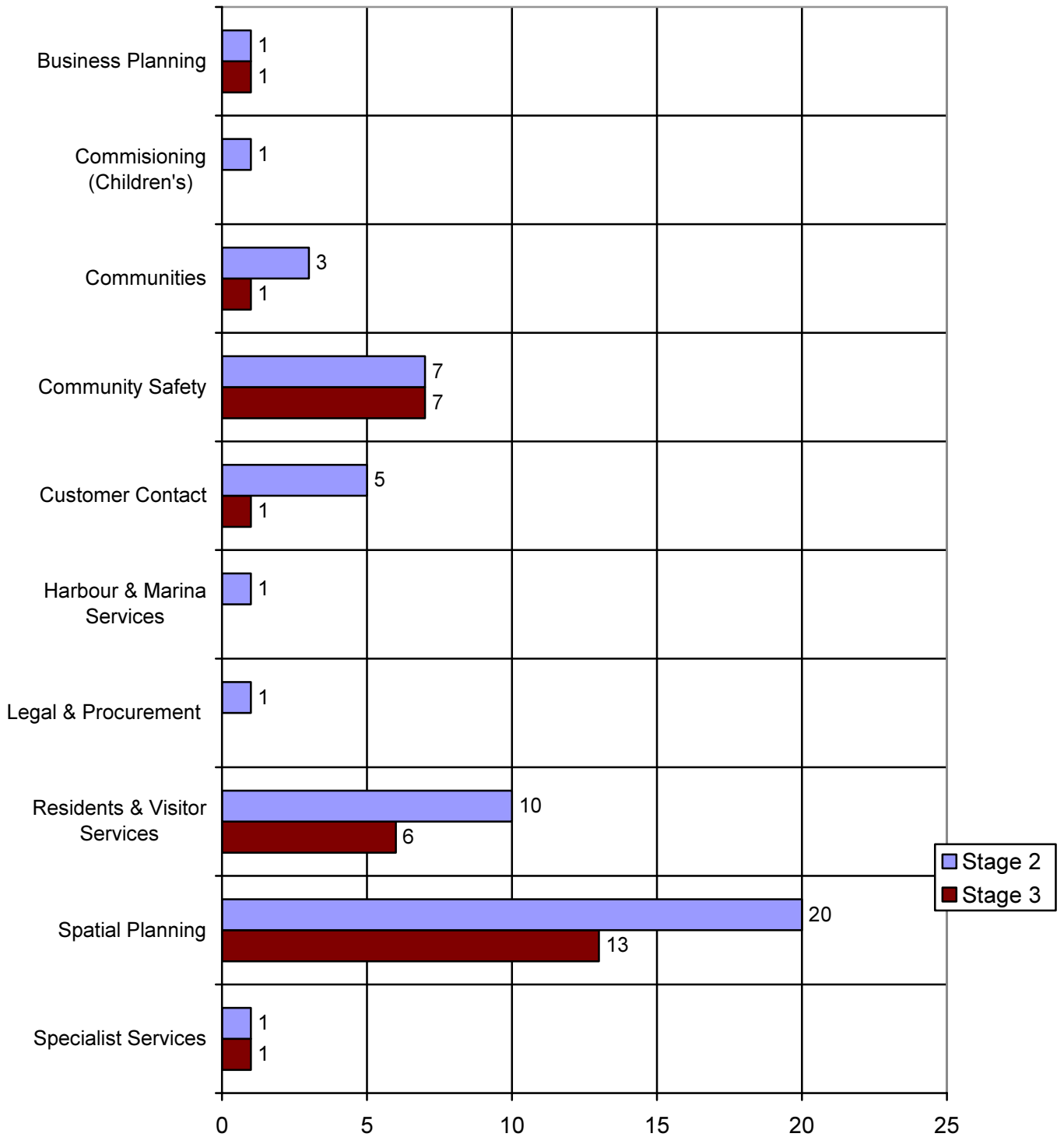
### Resolution to stage 1 complaints



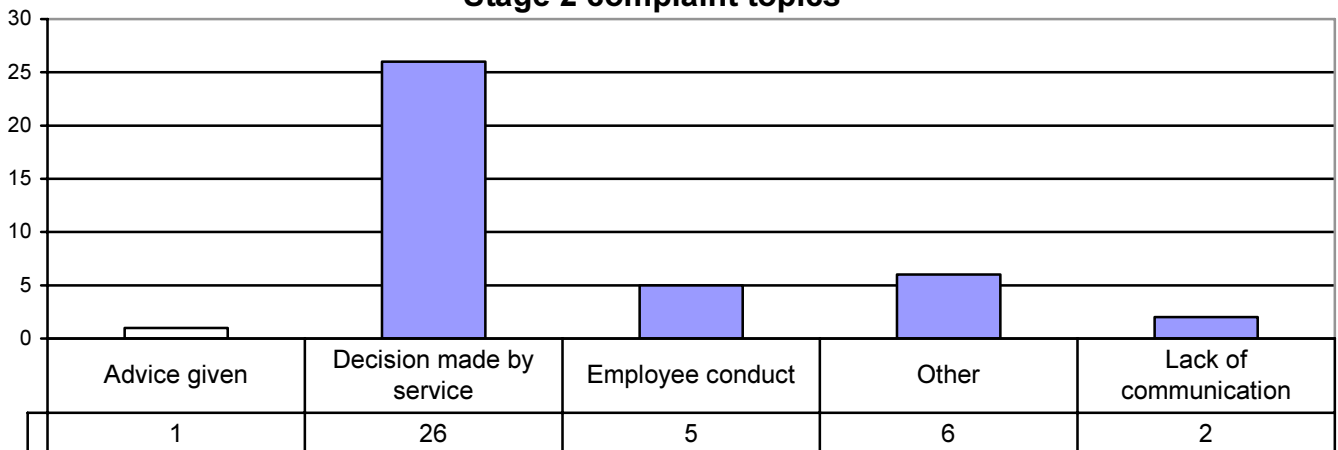
# APPENDIX 2

## Stage 2 & Stage 3 Corporate complaints 01/04/08 to 31/03/09

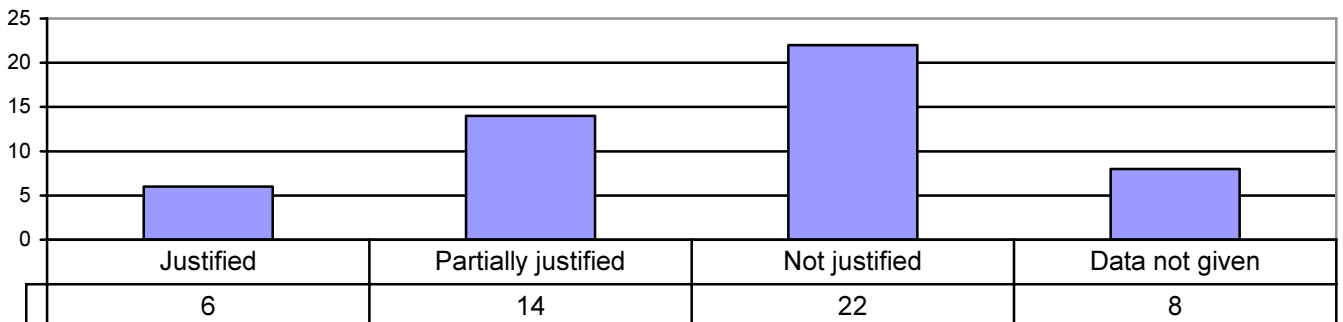
### Department



### Stage 2 complaint topics



### Stage 2 complaint decision



## CHANGES MADE FOLLOWING A STAGE 2 COMPLAINT

### CUSTOMER CONTACT

**Complaint** - Complaint received about the withdrawal of Small Business Rate Relief (SBRR) and the lack of information about SBRR.

**Action** - Literature and website updated to include better information on Small Business Rate Relief.

**Complaint** - Customer complained about the delay in processing a Housing and Council Tax Benefit claim and the issuing of a Council Tax bill before Council Tax Benefit was assessed.

**Action** - Benefit processes changed to ensure that decisions on claims are not delayed even when a case has been referred to the Benefit fraud unit. Consideration is now given to inhibit a Council Tax bill pending resolution of a benefit claim.

**Complaint** - Housing Benefit form LA 1 sent to the Valuation Office Agency when the customer had not consented for an independent valuation to be made.

**Action** - Clear guidance is now printed on LA1 forms to make customers aware of the possibly detrimental effect of a refusal to authorise an independent valuation.

### RESIDENTS & VISITOR SERVICES

**Complaint** - A customer wanted a dropped kerb in their front garden but permission had been refused.

**Action** - Dropped kerb crossover quotes letter amended to ensure clarity. Quotations provided by Operational Services now include a note stating that approval must be gained from the Highways Service before any vehicle crossing can be constructed.

**Complaint** - Complaint received about the lack of allotment spaces available in Torbay.

**Action** - A commitment has been given to look at areas of land that could be used for allotments. Prospective plots will be taken to the Corporate Asset Management Team. Once agreed any necessary wildlife surveys will be undertaken along with securing the necessary funds available to alter the land use.

**Complaint** - Breaches of planning conditions had occurred at a sports field because the netting system had been erected early.

**Action** - Consideration is being given to introducing a new netting system that will allow a sports club to operate the system themselves.

**Complaint** – As part of a parking restrictions consultation a customer gave their opinion that the restrictions did not go far enough up the road. The reason for the restriction ending at a certain point in the road was due to a disabled bay. The customer pointed out that the disabled bay had been removed several months before. Unfortunately this information had not been updated on the plans. The customer also complained that yellow lines had been painted along a stretch of road even though approval had not been given by the Transportation Working Party. Instructions had been given, along with the drawings of work, that some lines did not yet have approval; these instructions were mislaid.

**Action** - A database of disabled bays is now being created so that the mistake is not made again. Proposed works are no longer issued to contractors until they have been formally approved.

**Complaint** - A complaint was received from a customer who had donated memorial trees; these trees had died and were removed. The benefactor was not informed of the removal because there were no records that the trees had been donated.

**Action** - A new strategy for memorial tree is being prepared and should be implemented by December 2009.

## **COMMUNITY SAFETY**

**Complaint** – A customer felt that the Council was at fault in the way they handled statutory duties in respect of making cremation or burial arrangements for a tenants of his.

**Action** - The team reviewed their procedures in light of this incident. Consideration will now be given to leaving some form of information at the deceased's premises, or checking the national land charges register, so that landlords are proactively contacted prior to the Council completing its statutory duties.

## **SPECIALIST SERVICES**

**Complaint** - A Complaint was received about a tendering process and the divulging of information.

**Action** - Improved communication now takes place during the tendering process.

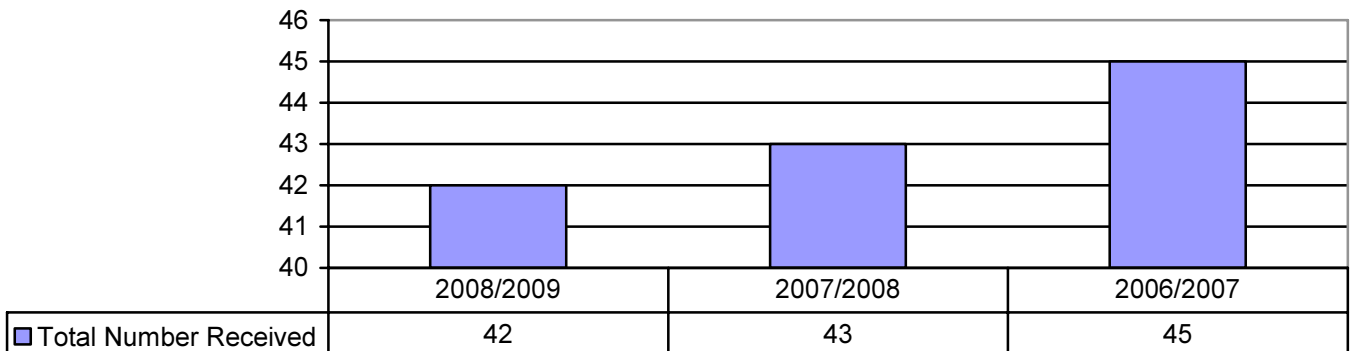
## **COMMUNITIES**

**Complaint** - A complaint was received about the information, which was included in the Council's Landlord Accreditation Packs, from private suppliers. The customer felt that this was unfair competition.

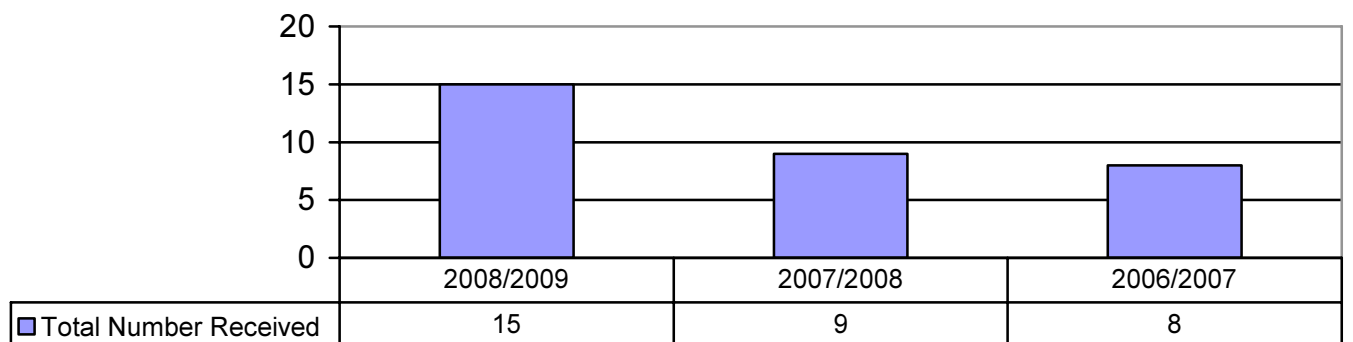
**Action** – The packs no longer include promotional material and formal advice has been given to staff with regard to the process which needs to be followed for interested suppliers.

**Ombudsman Complaints**

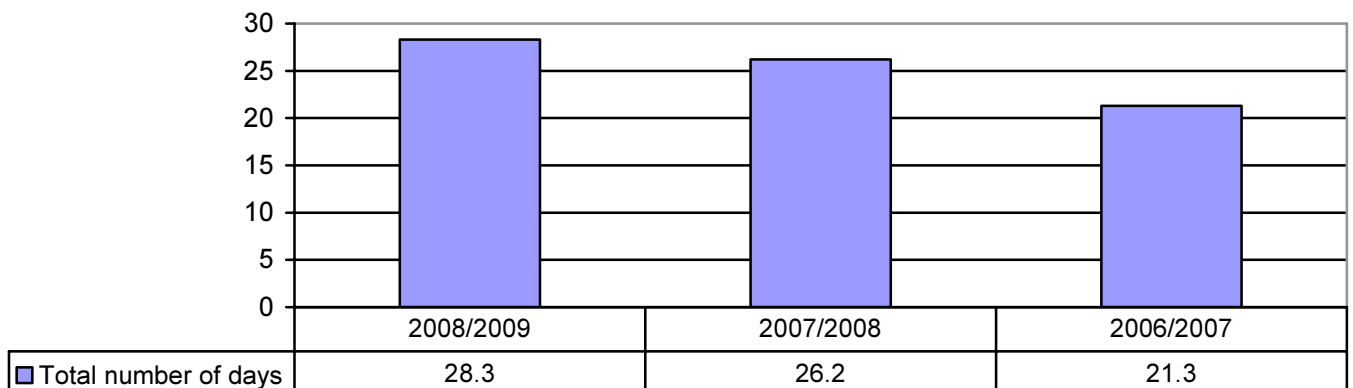
**Number of Ombudsman complaints**



**Total number of first enquiries**

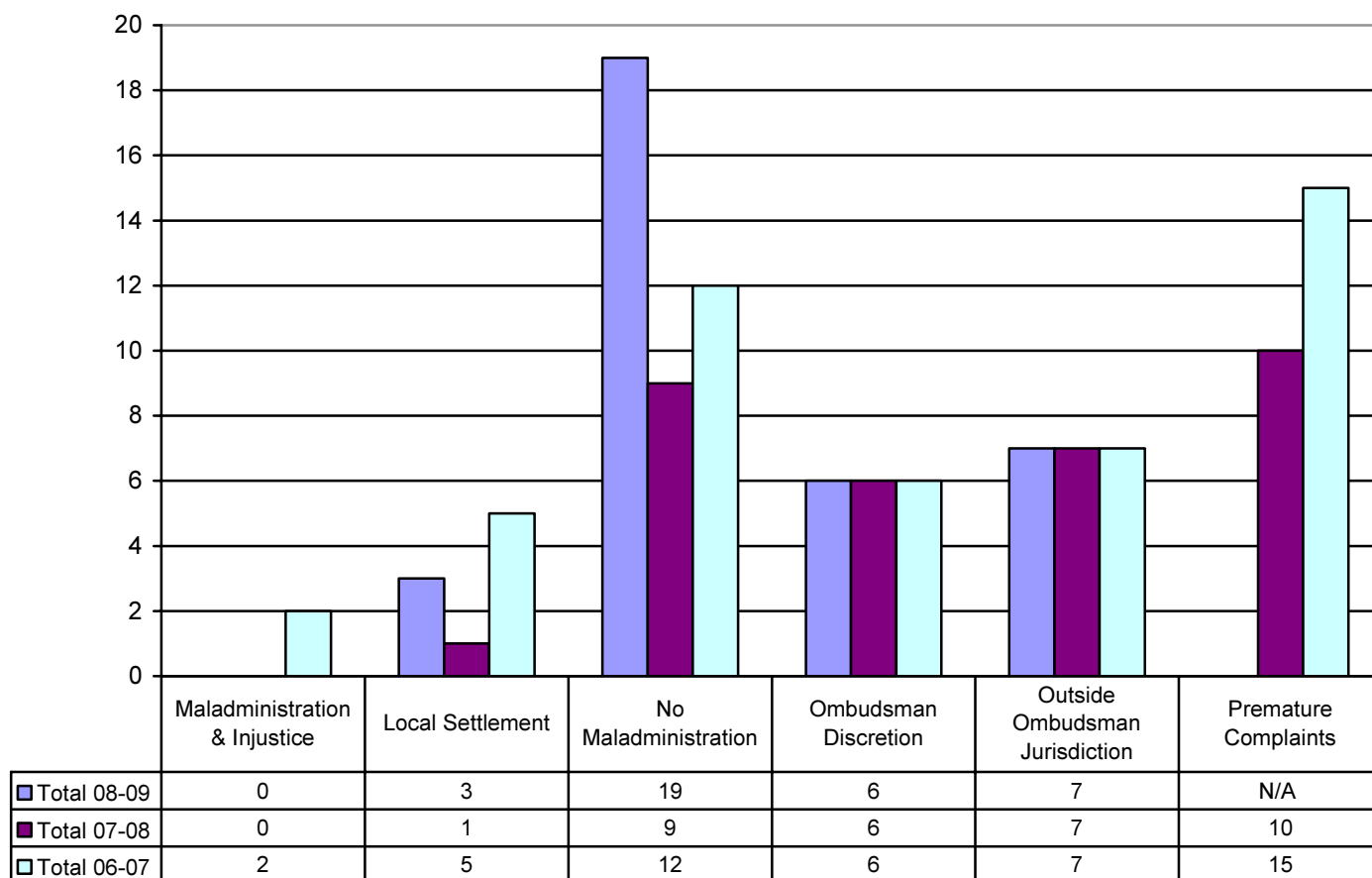


**Average response times**



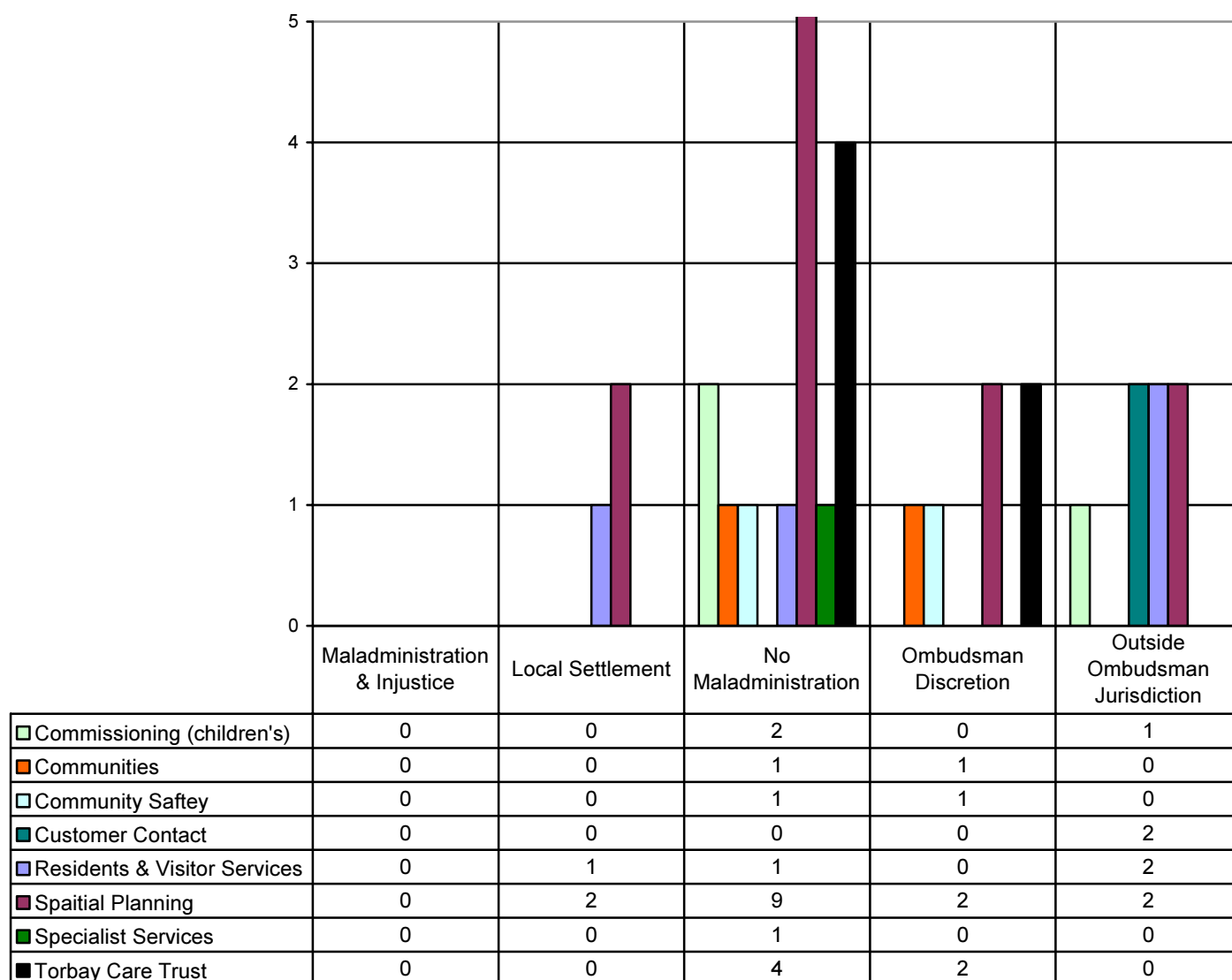
We are required to provide the Ombudsman with a response to his enquiry within 28 days.

## Ombudsman decisions



Maladministration and Injustice	Ombudsman has concluded an investigation and issued a formal report finding maladministration causing injustice
Local Settlements	Ombudsman discontinues his investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant
No Maladministration	Decisions by letter discontinuing an investigation because the Ombudsman has found no, or insufficient, evidence of maladministration.
Ombudsman's discretion	Ombudsman exercised his general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that he has found no or insufficient injustice to warrant pursuing the matter further
Outside Ombudsman's Jurisdiction	Cases which were outside the Ombudsman's jurisdiction
Premature Complaints	The Ombudsman does not normally consider a complaint unless a Council has first had an opportunity to deal with that complaint itself. If someone complains to the Ombudsman without having taken the matter up with a Council, the Ombudsman will usually refer back to the Council to see if the Council can itself resolve the matter. N.B. For the year 2008/2009 the Ombudsman has changed the way they operate and statistics for premature complaints received by the Ombudsman are no longer reported on as a decision made by the Ombudsman.

## Decisions - Departments



### **MALADMINISTRATION**

There were no cases of maladministration for the financial year 2008/2009.

### **LOCAL SETTLEMENTS**

#### **Spatial Planning**

The Local Government Ombudsman decided that the Council had incorrectly taken the view, over a nine month period that a development was in accordance with the plans, contrary to the customer's representations. The Council then failed to set a timescale for the submission of a full planning application and this led to a three month delay in the process. There was also a failure, during the nine months, to take action in respect of the installation of steps, and a failure to keep the customer advised of progress. We had already offered the customer £500 compensation in recognition of time and trouble, however, the Ombudsman felt that a total of £1460, which included a £750 contribution towards legal fees, was a more appropriate amount. The Council agreed to pay the Ombudsman's suggested settlement.

## **Spatial Planning**

There was confusion over plans in respect of a development close to the customer's home, which had arisen due to the date stamping of the plans. The Ombudsman suggested a settlement payment of £200, which the Council agreed with; however, the customer declined the offer.

## **Residents & Visitor Services**

The Ombudsman decided that a customer was put to unnecessary time and trouble for a two year period because we failed to advise the customer that the trees that he was complaining about were the responsibility of a Housing Association, not the Council. We agreed with the Ombudsman to pay the customer £250 in recognition of this error.

## Equalities

Customers are not obliged to provide this information. Percentages are therefore calculated from customers who have elected to provide the information. Equalities information is requested on our Complaints Form (electronic and paper) or via an equalities questionnaire sheet, which is sent to customers along with the stage 1 response.

<b>Gender</b>	<b>08-09</b>	<b>07-08</b>
Male	60%	56%
Female	40%	44%
<b>Age</b>		
0-15	0%	2%
16-24	5%	6%
25-34	18%	12%
35-44	26%	20%
45-54	21%	23%
55-64	21%	25%
65-74	7%	7%
75+	2%	5%
<b>Ethnic origin</b>		
Asian British	0.5%	0.5%
Black	0%	0.5%
British	95%	97.7%
Irish	1.8%	0.5%
White & Black Caribbean	0%	0.9%
Other	2.7%	n/k
<b>Disabilities</b>		
Not Disabled	82%	84%
Disabled	18%	16%
<b>If disabled – How the disability affects the customer</b>		
Mobility	63%	70%
Hearing	9%	3%
Vision	9%	7%
Other	19%	20%