

COMPLAINTS MONITORING

Portfolio:	Corporate
Ward(s) Affected:	All

Purpose

To report on the Council's corporate complaints monitoring arrangements, lessons learned from complaints and Local Government Ombudsman complaints received for the financial year 2014/2015.

Background

1. The Performance and Finance Scrutiny Committee receives a comprehensive annual report on the Council's complaints monitoring arrangements, lessons learned from complaints received and complaints received by the Local Government Ombudsman (LGO).

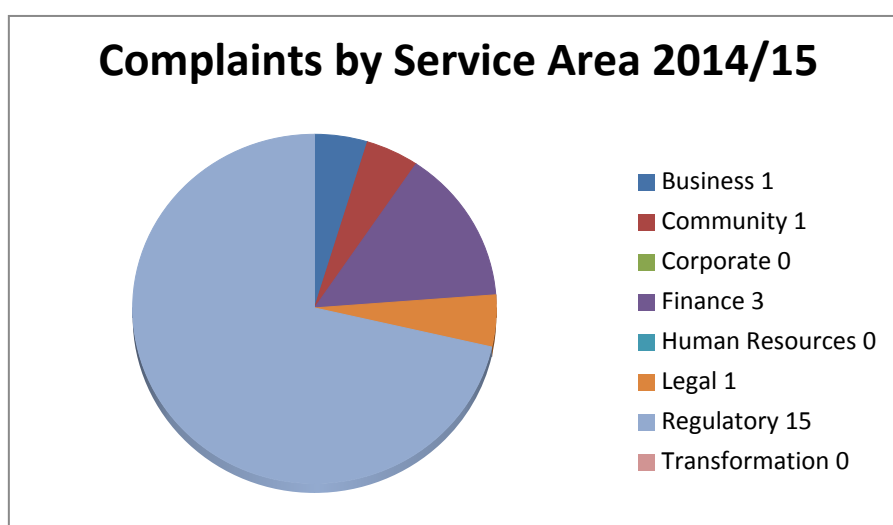
Current Position

2. Most complaints received are dealt with informally under Stage 1 of the Council's complaints policy. Stage 2 complaints are formal complaints normally identified when the complainant is unhappy with the outcome of the informal complaint. These complaints are dealt with by the relevant (Executive) Head of Service. Should a complainant be dissatisfied with the outcome of a Stage 2 complaint, they can request the matter is considered by the Chief Executive under Stage 3 of the complaints policy.
3. In 2014/15, 21 formal complaints were made to the Council at Stages 2 and 3. This number should be viewed in the context of Surrey Heath supplying services to 87,000 residents and 2,600 businesses. Although a small number of complaints related to service issues, a significant number arise from complainants disagreeing with the application of either legislation or policy.
4. The table below details the formal complaints made for the period 1st April 2014 – 31st March 2015, by quarter year and dealt with in accordance with the Council's complaints policy.
5. The figures for the same period in 2013/14 have also been included in the table for Comparison:

	2013/14	2014/15
Total for Quarter 1 (April – June)	4	7
Total for Quarter 2 (July – September)	10	4
Total for Quarter 3 (October to December)	0	3
Total for Quarter 4 (January – March)	3	7
Total for year	17	21

6. The complaints were recorded against the following Council service areas.

<u>Business Area</u>	<u>Number of complaints received 14/15</u>
Business	1
Community	1
Corporate	0
Finance	3
Human Resources	0
Legal Services	1
Regulatory	15
Transformation	0



7. The Service Area complaints relate to the following business areas:

	Stage 2	Stage 3
Planning	12	1
Housing	1	1
Revenues and Benefits	2	1
Car Parks	1	
Environmental Health	1	
Legal	1	

8. Whilst complaints in Planning appear relatively high compared to other services this figure should be considered against a total of 1220 planning applications being determined or closed in 2014/15, less than 1% of the total applications received.
9. Of the 21 complaints, 3 were dealt with by the Chief Executive at Stage 3.
10. Comparison of Chief Executive Complaints 2013/14 to 2014/15

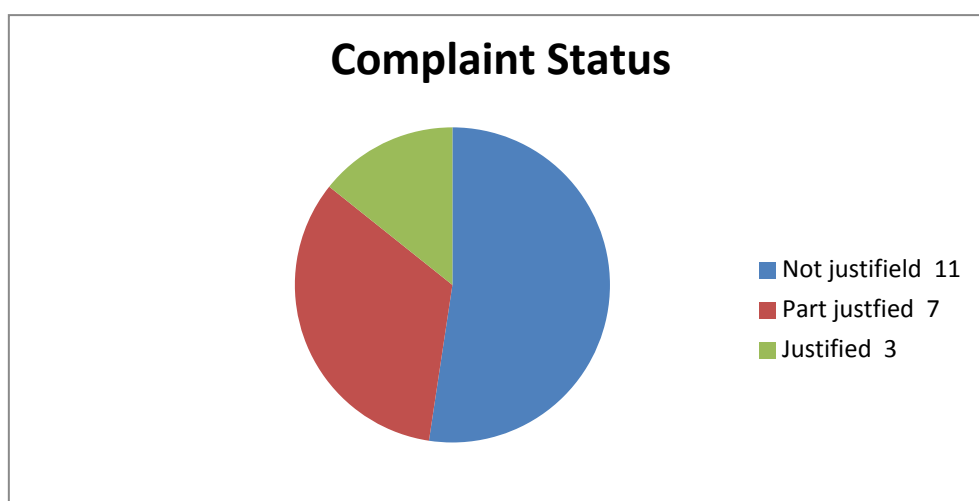
Service	2013/14	2014/15
Regulatory	3	2
Finance		1

11. Of the 21 complaints received:

- All were acknowledged within 2 days.
- 14 were resolved within 10 days.
- 5 complaints took longer than 10 days to investigate, however the customers were made aware of the reason for delay.
- 2 complaints exceeded the standard in terms of response:
 - Complaint 1. This was referred to Legal, who classified this as a Legal issue rather than a complaint, as it related to a procurement challenge. Numerous contacts were attempted with the customer, but no response was ever received back from the customer. The case has subsequently been closed.
 - Complaint 2. This was referred to Revenues' and Benefits, who accept that there was a delay in replying due to work pressures. An apology was sent to the customer

12. Status of the 21 complaints received: (See Annex 1 for a detailed breakdown)

- 11 were unjustified
- 7 were part justified
- 3 were justified.



13. Lessons learned

- All Managers to ensure there is adequate delegation in place, to ensure the timely response to complaints during periods of absence or when business needs dictate.
- Planning and Enforcement to improve contingency arrangements for the tree service when the Arboriculture officer is away or absent. This has involved work with the Contact Centre to improve registration of

enquiries and an improved use of the tree 'inbox'. In exceptional circumstances this may require appointing an Arboriculture consultant to provide tree advice.

- Review internal Enforcement processes, which is already underway, as part of a service review.

Ombudsman Complaints

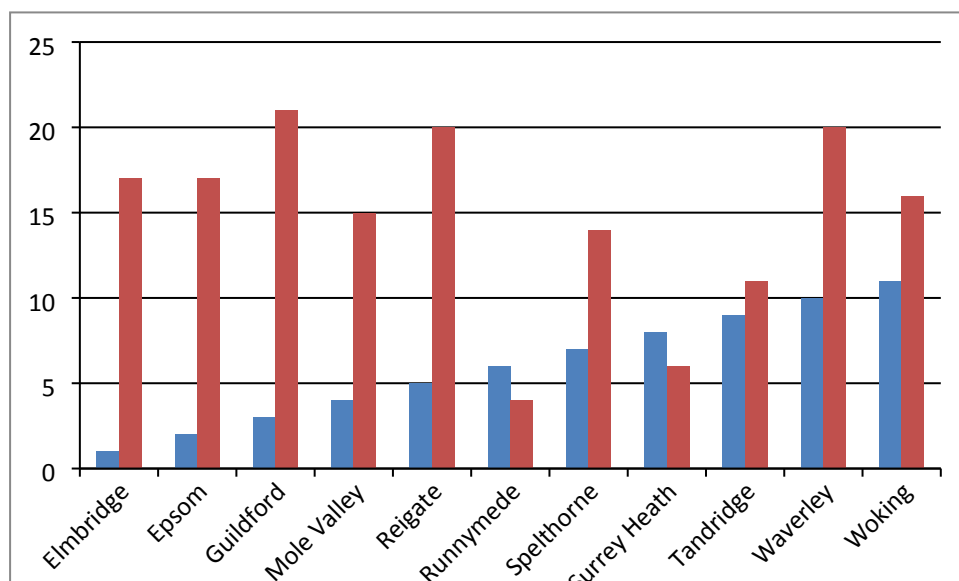
14. The annual review letter from the LGO was received in June 2015 and a copy is attached at Annex 2.
15. In 2014/15 the LGO made a decision on 6 complaints and enquiries about Surrey Heath Borough Council.
16. Of the 6 complaints:
 - 1 was closed after an initial enquiry
 - 3 were referred back to the Council for local resolution
 - 1 was upheld
 - 1 was not upheld.
17. Comparison to 2013/14

	2013/14	2014/15
Number of LGO complaints	17	6
Closed after initial enquiry	8	1
Referred back to Council for local resolution	7	3
Upheld	2	1
Not Upheld		1

18. Complaint Upheld
 - The complaint related to a Planning Enforcement case regarding the development of land. The specifics of the complaint were not upheld but the Council was found to be at fault in terms of their communication. The communication element has been upheld.
 - This complaint was fact specific. In dealing with the complainant since then, the Council has ensured it has had timely communication regarding the various planning matters, and will continue to do so in order to seek compliance with the terms of the High Court Order.

19. Comparison with other authorities

- The chart below shows the number of complaints referred to the ombudsman for all the Surrey Districts. It can be seen that Surrey Heath has one of the lowest referral rates in the County.



Resource Implications

20. There are no additional resource implications.

Recommendation

21. The Committee is advised to consider and comment on the complaints figures reported for 2014/15.

Background Papers

None

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Detailed Breakdown Of Each Complaint.

Part justified

Complaint 1

This related to an enforcement complaint relating to a part change of use of a dwelling house to business use. The planning/enforcement officers deemed that no breach had occurred but the residents were not happy with this decision and hence the complaint escalated.

The complaint process then involved meetings with the residents, ward councillor and the MP and with agreement to further monitor site activities. After further periods of monitoring and review of the decision taken, with significant resource thrown at the case, it was deemed that a breach had occurred and so enforcement action was taken with a Notice served. This Notice is now the subject of an appeal.

Complaint 2

This complaint related to a request for a reserved housing site to have a Tree Preservation Order imposed. This culminated in senior officers meeting with the complainant to discuss the situation. There were delays in initially responding and so in this respect the complaint was part justified.

Complaint 3

This complaint related to the granting of empty property relief on a business property which the complainant disagreed with. Although there was a delay in the initial response to the complainant, subsequent letters were responded to promptly. The complainant ultimately accepted that the Council's judgement in this matter was correct.

Complaint 4

This related to a tree felling complaint and Freedom of Information request. Following this complaint, the complainant submitted a planning application which was granted. The part justification was in respect of the time taken to respond.

Complaint 5

This related to a complaint by an owner/occupier relating to the proposed development of a property in Camberley. The complaint was over the consultation process and decision made. The part justification was around delays on communication.

Complaint 6

This related to a low priority enforcement case. Action appeared to include a meeting. A senior officer provided a draft response, however an initial lack of

acknowledgement was the cause of the part justification. A review of the internal enforcement processes is underway.

Complaint 7

The complainant originally lodged a Council Tax appeal to which there was no response. The complainant then lodged a stage 1 complaint and again had no response, so it was escalated to stage 2. The complainant received a letter from a senior officer apologising for the lack of response and then went on to address the issue. The matter was resolved to the complainant's satisfaction.

Justified

Complaint 1

This related to the refusal of planning permission for a new dwelling which subsequently went to appeal. The appeal was dismissed. The officer made an error during the application process and only on appeal was it discovered by the case officer that the dwelling was actually sited within 400 metres of the Special Protection Area. Hence, the complaint was justified. The action taken was to write to the complainant to apologise for this mistake.

Complaint 2

This related to a delay in responding to an application for the felling of a tree. Action taken was to write to the complainant and apologise for not determining the application within the required timescales.

Complaint 3

This complaint originated as a commercial noise complaint. Following what the complainant felt was a lack of action, a stage 1 complaint was received. This was then escalated to a stage 2 when the complainant did not receive a response. The key issue was the failure to follow up on the message left on the complainant's answer phone by email or letter.