

EAST HERTS COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 5 FEBRUARY 2019

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT
AND COUNCIL SUPPORT

COMPLAINTS PERFORMANCE AND UPDATED VEXATIOUS
COMPLAINANTS POLICY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To update Scrutiny on complaints received against the council and propose an updated vexatious complainant policy

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY: That:

(A)	Council performance with regards to complaints handling is noted; and
(B)	A new vexatious complainant policy is adopted by Council

1.0 Background

1.1 The council has a complaints procedure in place which enables customers to complain should they not be satisfied following an interaction with the council. This is an important part of our approach to customer services as it provides an opportunity to properly investigate concerns and provides important feedback/ learning which can be used to improve overall customer experience.

1.2 The current process is as follows:

1. A customer makes a complaint either in person, by telephone, website, letter or e-mail.
2. This is picked up by customer services and logged on our system as a "stage 1" complaint. It is assigned to the complaints' champion from the relevant service area to which the complaint relates. In the case of complaints received via the website or email the customers are notified that the complaint has been received.
3. The champion assesses the complaint and assigns an officer to investigate and acknowledge/reply to complainant.
4. An investigation takes place and the officer contacts the complainant informing them of the outcome. The investigation may involve speaking/ meeting with the complainant for more details.
5. The officer closes the complaint.
6. If the customer is not satisfied with the outcome of stage 1 then they will respond thus and the complaint is logged on our system as "stage 2".
7. A more senior manager will then investigate the complaint. At this stage it is highly likely the manager will speak/ meet with the complainant in order to properly review the information.
8. The manager contacts the complainant informing them of the outcome.
9. If they are still not satisfied then they may contact the Local Government Ombudsman (LGO).

1.3 Monitoring performance:

1.4 The following indicators are used to monitor overall council performance:

- % of stage 1 complaints resolved in 14 days (10 working days) or less (target of 70% being resolved in 10 working days)

- % of complaints about the Council and its services that are upheld (ie. Where the council has accepted it is at fault) at stage 1 (target of no more than 30% upheld)
- % of complaints about the Council and its services that are upheld at stage 2 (target of no more than 25% upheld))
- % of complaints to the Local Government Ombudsman that are upheld

1.4 These are monitored on a monthly basis through the council's performance management system. Following officer concerns about missing targets (see 1.7) throughout 2018 these were also considered weekly at each Leadership Team meeting (as a standing agenda item).

1.5 The following table gives a breakdown of the number of complaints received by service at stage 1:

	16/17		17/18		18/19 (Q1 - Q3)	
	Number	%	Number	%	Number	%
Comms, Strategy & Policy	0	0%	1	1%	0	0%
Democratic and Legal Services	1	1%	0	0%	0	0%
Health and Housing	23	24%	10	10%	4	6%
Human Resources and Organisational Development	0	0%	0	0%	0	0%
Operations	23	24%	27	26%	26	41%
Planning and Building Control	34	35%	36	34%	13	20%
Revenues and Benefits	14	14%	30	29%	7	11%
Strategic Finance and Property	2	2%	1	1%	1	2%
Total	97	100%	105	100%	51	100%

1.6 The following table gives a more detailed breakdown of how many of those stage 1 complaints were met within 10 working days and how many were upheld:

	16/17		17/18		18/19 (Q1 - Q3)	
	Number	%	Number	%	Number	%
Comms, Strategy & Policy	0	0%	1	1%	0	
of which missed 10 day target	0		0			
of which were upheld	0		1			
Democratic and Legal Services	1	1%	0	0%	0	
of which missed 10 day target	0		0			
of which were upheld	0		0			
Health and Housing	23	24%	10	10%	4	
of which missed 10 day target	4		3		0	
of which were upheld	4		2		2	
Human Resources and Organisational Development	0	0%	0	0%	0	
of which missed 10 day target	0		0			
of which were upheld	0		0			
Operations	23	24%	27	26%	26	
of which missed 10 day target	7		4		3	
of which were upheld	15		8		11	
Planning and Building Control	34	35%	36	34%	13	
of which missed 10 day target	26		23		4	
of which were upheld	4		3		2	
Revenues and Benefits	14	14%	30	29%	7	
of which missed 10 day target	0		2		0	
of which were upheld	5		6		2	
Strategic Finance and Property	2	2%	1	1%	1	
of which missed 10 day target	0		1		0	
of which were upheld	2		0		0	
Total	97		105		51	
of which missed 10 day target	37	38%	33	31%	7	14%
of which were upheld	30	30.93%	20	19.05%	17	35%

- 1.7 For the last 2 years we have missed the 70% target on resolving within 10 working days. However performance has improved in 2018/19 since Leadership team started to monitor this on a weekly basis. We narrowly missed the target for % of complaints upheld at stage 1 in 2016/17 but were comfortably within target for 2017/18. We are on track to miss the target for 2018/19 however this is due to a number of complaints related to missed bin collections being upheld (as a consequence of moving to a new shared waste contract). This is expected to reduce as we move forward.
- 1.8 Unsurprisingly, most of the complaints we receive are in the service areas which have most customer contact (Planning, Operations, Housing and Health and Revenues and Benefits).

1.9 The following table gives a breakdown of the number of complaints received by service at stage 2:

	16/17		17/18		18/19 (Q1 - Q3)	
	Number	%	Number	%	Number	%
Comms, Strategy & Policy	0	0%	0	0%	0	0
Democratic and Legal Services	1	1%	0	0%	0	0%
Health and Housing	4	4%	1	1%	1	8%
Human Resources and Organisational Development	0	0%	0	0%	0	0%
Operations	1	1%	5	5%	2	15%
Planning and Building Control	10	10%	9	9%	8	62%
Revenues and Benefits	0	0%	1	1%	2	15%
Strategic Finance and Property	0	0%	0	0%	0	0%
Total	16	100%	16	100%	13	100%

1.10 The following gives a more detailed breakdown at stage 2 showing %s upheld. Please note there is no time target for stage 2 as the expectation is that the manager responsible will be in regular contact with the complainant, keeping them updated as required, gathering and reviewing all the information thoroughly before reaching a conclusion.

	16/17		17/18		18/19 (Q1 - Q3)	
	Number	%	Number	%	Number	%
Comms, Strategy & Policy	0	0%	0	0%	0	
of which were upheld	0		0			
Democratic and Legal Services	1	1%	0	0%	0	
of which were upheld	0		0			
Health and Housing	4	4%	1	1%	1	
of which were upheld	1		1			
Human Resources and Organisational Development	0	0%	0	0%	0	
of which were upheld	0		0			
Operations	1	1%	5	5%	2	
of which were upheld	0		1		1	
Planning and Building Control	10	10%	9	9%	8	
of which were upheld	3		1		1	
Revenues and Benefits	0	0%	1	1%	2	
of which were upheld	0		0		0	
Strategic Finance and Property	0	0%	0	0%	0	
of which were upheld	0		0			
Total	16		16		13	
of which were upheld	4	25%	3	19%	2	15%

1.11 Targets have been met for the past 2 years and we are on track to meet the 2018/19 target also.

1.12 Conclusions:

1.13 Considering the volume of contacts the council receives (eg. Around 3m visits to the website each year, almost 500,000 calls and 20,000 face to face visits) the number of complaints over an annual period is relatively small. In the case of measuring upheld (particularly at stage 2), the numbers are so small that minor changes can cause large changes in percentages which skews results.

1.14 Planning and Building Control are the most complained about service and also disproportionately feature in terms of length of response when dealing with a complaint. Operations are the second most complained about service. It should be noted however that a large proportion of these relate to missed bin collections. It is clear there are particular pressures on complaints within the planning service. Planning complaints by their nature tend to be complex in terms of the decisions made. Very often they require site visits in order to gather the relevant information which can be a significant time burden on officers. This has been a particular issue over the past 18 months as the service has faced challenges in recruiting to vacant roles.

1.15 Vexatious Complainant policy

1.16 The council's current vexatious complainant policy (see ERP B) was published in 2016 however is in need of refresh. A new draft policy is attached (see ERP C) which is shorter and more transparent in terms of the steps required to declare a complainant as vexatious. It should be noted that this policy is rarely used with on average only 1-2 people per year being considered as falling under the policy.

2.0 Implications/Consultations

2.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

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