

East Herts Council Report Template

Overview and Scrutiny Committee

Date of Meeting: 7 September 2021

Report by: Benjamin Wood, Head of Communications,
Strategy and Policy

Report title: East Herts Council Complaints 2020-21

Ward(s) affected: All

Summary

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY:

(A) Committee Members note the latest information regarding complaints.

1.0 Proposal(s)

1.1 That Committee Members review complaints information for 2020/21

2.0 Background

2.1 Every year Scrutiny receive a report on customer complaints made to the council. The information looks at trends around performance and the nature of complaints the council receives. This report covers the 2020-21 year.

2.2 On 3 November 2020 the complaints report to Overview and Scrutiny Committee outlined a number of improvements to the complaints process following a comprehensive review undertaken with support from Stevenage Borough Council. Improvements included:

- Training sessions for staff on the use of Infreemation (the

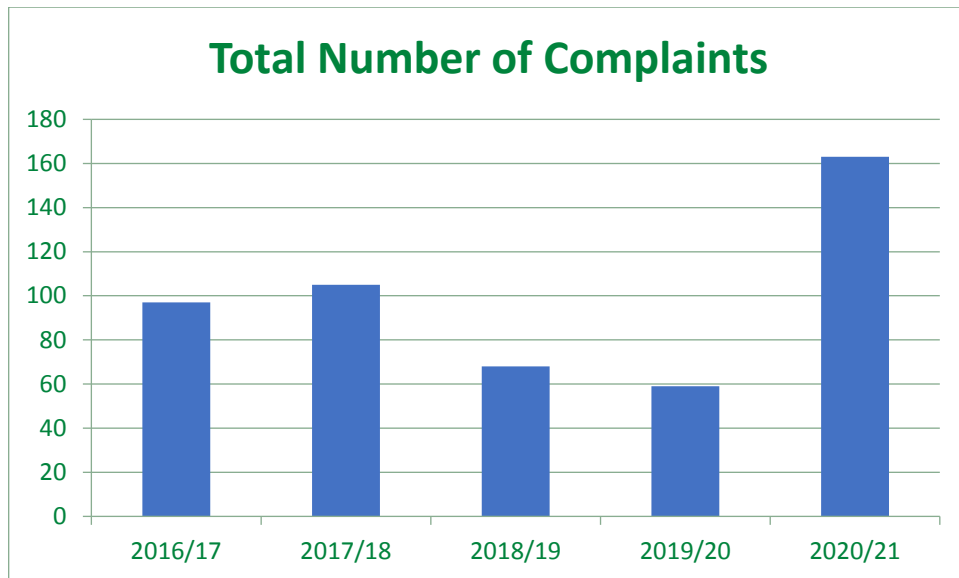
Council's complaints monitoring system) to address the fact the complaint numbers seemed artificially low in recent years

- Training sessions for staff on the complaints process, how to write responses and recognise complaints as distinct from service requests
- A refresh of complaints literature and web pages to make it easier for customers to complain
- The introduction of a formal complaints lead within the Customer Services Team
- A new Persistent and Unreasonable Behaviour Policy to replace the vexatious complainant policy (which was recommended to Full Council for adoption)

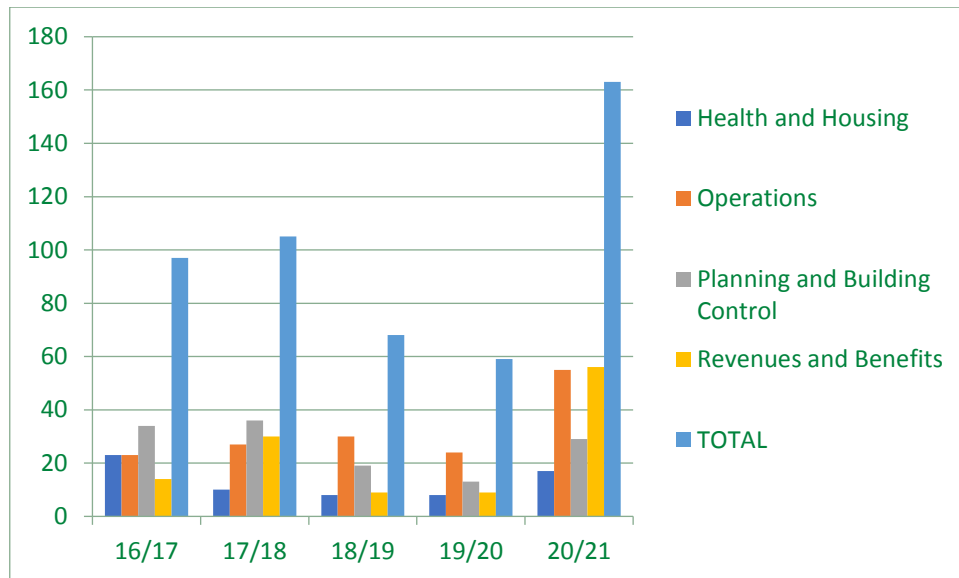
Performance in 2020/21

2.3 The following table shows the key measures for complaints at stage 1 (total number received and % of which were dealt with in 10 working days):

	2016/17	2017/18	2018/19	2019/20	2020/21
Total Number of Stage 1 Complaints	97	105	68	59	163
Total Number Dealt with in 10 wd	60	72	52	38	97
% Dealt with in 10 wd	62%	69%	76%	64%	60%



- 2.4 The increase in recorded complaints should not necessarily be seen as an increased level of dissatisfaction with council services generally. As the paper to Overview and Scrutiny Committee on 3 November 2020 postulated, many complaints in previous years, although being dealt with, may have been going unrecorded. The 2020/21 figures are more likely a reflection of the improvement in recording as a result of the training and development undertaken with staff.
- 2.5 The following graph and table shows data for the previous five years by service. Generally speaking Planning and Operations are most complained about service areas followed by Revenues and Benefits and Health and Housing. However in 2020/21 this changed to Revenues and Benefits and Operations being the most complained about service following by Planning.



	16/17		17/18		18/19		19/20		20/21	
	Number	%	Number	%	Number	%	Number	%	Number	%
Comms, Strategy & Policy	0	0%	1	1%	0	0%	3	5%	1	1%
Democratic and Legal Services	1	1%	0	0%	0	0%	0	0%	5	3%
Health and Housing	23	24%	10	10%	8	12%	8	14%	17	10%
Human Resources and Organisational Development	0	0%	0	0%	0	0%	0	0%	0	0%
Operations	23	24%	27	26%	30	44%	24	41%	55	34%
Planning	34	35%	36	34%	19	28%	13	22%	29	18%
Revenues and Benefits	14	14%	30	29%	9	13%	9	15%	56	34%
Strategic Finance and Property	2	2%	1	1%	2	3%	2	3%	0	0%
Total	97	100%	105	100%	68	100%	59	100%	163	100%

2.6 The reasons for this change relate to formal complaints received about Green Waste Charges which inflated numbers in Operations (20 of the 55 complaints). Complaints related to Covid related grants or reliefs had a similar impact in Revenues and Benefits (27 of the 57 complaints). In the case of green waste charges the council received just over 1,100 comments and concerns, largely expressing dissatisfaction, however only 20 of these warranted an investigation. A handful of these were upheld (ie. the council accepted some fault) where they related to difficulties in customers being able to pay for the service. In the case of Covid related grants and reliefs the 27 formal complaints all related to business/ premise owners challenging a decision not to award anything. All but one of these complaints were not upheld (ie. the council did not accept it was at fault). One business submitted paperwork on occupancy as part of the complaint (which was not previously provided) and they were subsequently awarded a grant and an apology was given.

- 2.7 Taking out the green waste and business grant/ relief complaints, types of complaints in 2020/21 related to the Operations Service were:
- Waste Bins not being returned to property boundary after collections
 - Missing inner paper boxes after collection
- 2.8 Types of complaints related to Revenues and benefits include:
- Residents unhappy about rises in council tax
 - Delays in handling of moving in/out of property details
- 2.9 Types of complaints related to Planning include
- Delays in handling planning applications
 - Objections to planning applications: largely from stakeholders/ neighbours where minor residential applications have gone ahead.
 - Residents unhappy where planning permission has been refused
- 2.10 Planning complaints are by the far the most complex and time consuming part of our overall complaints process. Often customers assume that it is a mechanism to review planning decisions and possibly change the outcome. However this is not the case and whilst that is made clear to residents many will cite other reasons for not being happy with any planning decisions including officer conduct, failure and quality of process. Where complainants raise these issues, often in specific detail and against individual officers, they are logged as complaints and investigated.
- 2.11 The data below shows how many complaints in those four service areas missed the 10 day target:

	2016/17	2017/18	2018/19	2019/20	2020/21
Health and Housing of which missed 10 day target	23 4	10 3	8 3	8 3	17 8
Operations of which missed 10 day target	23 7	27 4	30 5	24 8	55 21
Planning and Building Control of which missed 10 day target	34 26	36 23	19 8	13 6	29 19
Revenues and Benefits of which missed 10 day target	14 0	30 2	9 0	9 2	56 18

2.12 Planning and Building Control tends to be the area in which response times exceed the 10 day target. This is largely down to the fact that planning complaints are more complex and require more time to investigate. Revenues and Benefits tends to be the best performing service area in terms of meeting the 10 day target however there was an increase in the number that didn't do so in 2020/21. This was largely down to resources, with the service prioritising the award of multiple business grants, reliefs, self-isolation payments and other Covid related interventions.

2.13 A further measure of performance is the “% of stage 1 complaints upheld or partially upheld” (or in other words where the council accepts we are at fault or partially at fault). Performance data for the last four years is shown below.

	2016/17	2017/18	2018/19	2019/20	2021/21
Total number of complaints	97	105	68	59	163
Number upheld/ partially upheld	30	20	24	20	55
% upheld/ partially upheld	31%	19%	35%	34%	34%

2.14 The following table shows the data broken down by the four

service areas:

	2016/17	2017/18	2018/19	2019/20	2021/21
Health and Housing	23	10	8	8	17
of which were upheld/ partially upheld	4	2	3	3	3
Operations	23	27	30	24	55
of which were upheld/ partially upheld	15	8	14	10	21
Planning and Building Control	34	36	19	13	29
of which were upheld/ partially upheld	4	3	4	4	15
Revenues and Benefits	14	30	9	9	56
of which were upheld/ partially upheld	5	6	3	3	15

2.15 Examples of complaints that were upheld/ partially upheld include:

- Damage to a resident's property by the waste crew. This was investigated by Urbaser and footage confirmed minor damage to a fence. A letter of apology was sent and the damage repaired.
- Bins not returned to property boundary by waste crew. This was investigated, an apology given to the resident and assurance provided that it would not happen again. Although most residents are relaxed about bins not being returned to the exact spot upon which they were left in the case of some customers who may have mobility issues this can be a challenge.
- Inner paper box: resident complained that on several occasions the inner paper box ends up in the back of the freighter. Supply issues mean replacement inner boxes may not arrive for several weeks after being ordered by the resident. This was investigated, a letter of apology issued to the customer and the crew instructed to leave the inner paper box in place.
- Complaint from a customer regarding the estate of deceased relative who lived in the district. Communication from the council tax team to solicitors was poor which held up the process. This was investigated, the issue was resolved and an apology issued.
- Complaint from a customer regarding their planning

application exceeding the target 8 weeks and a lack of communication for the reasons in the delay. This was investigated and an apology given.

2.16 A further measure of performance is the number of stage 2 complaints received and “% of stage 2 complaints upheld”. Complaints escalate to this level when a customer is not happy with the outcome of a stage 1 investigation. Usually a stage 2 complaint will be investigated by a Head of Service. Data for the last few years is shown below:

	2016/17	2017/18	2018/19	2019/20	2020/21
Total	16	16	17	12	39
of which were upheld/ partially upheld	4	3	3	2	12

	2016/17	2017/18	2018/19	2019/20	2021/21
Health and Housing	4	1	1	4	5
of which were upheld/ partially upheld	1	1	0	0	2
Operations	1	5	3	2	6
of which were upheld/ partially upheld	0	1	1	1	2
Planning and Building Control	10	9	10	3	11
of which were upheld/ partially upheld	3	1	2	1	5
Revenues and Benefits	0	1	2	0	16
of which were upheld/ partially upheld	0	0	0	0	3

2.17 Similar to stage 1 complaints there has been an increase in the volume of stage 2 complaints in the past year. We can assume this relates to better recording however this will be kept under review.

2.18 Examples of stage 2 complaints where the Council has accepted some fault include:

- Complaint about waste crew behaviour from a resident (noisy and rude) on several occasions. This was investigated by the Head of Service. The crew were spoken to about behaviours/ perceived behaviours and an apology was issued.
- Damage to property by waste vehicles. This was

acknowledged however there was a delay in fixing repairs by Urbaser. The Head of Service investigated the delay and issued an apology. A settlement was then reached through Urbaser's insurers.

2.19 Where customers remain unhappy after a stage 2 investigation they are able to contact the Local Government and Social Care Ombudsman. In 2020/21 the ombudsman gave a decision on 8 cases raised to them via East Herts residents. Due to Covid much of the Ombudsman's casework was suspended and it was only in the Autumn of 2020 that investigations resumed. Consequently some of the rulings relate to complaints raised in the previous year. At the time of the writing the Ombudsman is investigating a further 4 complaints from East Herts Council residents.

Summary of Complaint	Ombudsman's Decision
<p>Mr X complains the Council refused him a business grant based on its incorrect view that his business was not operating. He has missed out on funding, putting his business at risk.</p>	<p>We find no fault in the Council's decision making process but we find fault in its communications with Mr X.</p> <p>We recommend the Council provide an apology and payment for time and trouble.</p> <p>Mr. X was issued an apology and the sum of £100.</p>
<p>Mr and Mrs X complain about the Council's handling of their neighbour's planning application. They say the Council approved the</p>	<p>We found no fault in the way the Council handled Mr and Mrs X's neighbour's planning application.</p>

<p>application without a full and proper consultation and considering the impact on adjacent properties and the environment.</p>	<p>The process was in line with government and local legislation.</p>
<p>Mr X, disagrees with the Council's decision to only award the council tax single person discount from 2014. Mr X wants the Council to award the discount from 2006.</p>	<p>We will not investigate this complaint about the Council's decision not to backdate the council tax single person discount beyond 2014.</p> <p>This is because the complainant can appeal to the Valuation Tribunal.</p>
<p>Ms X, complains about the Council's handling of queries she raised in connection with its chargeable waste collection service. She says information on its website was unclear and that it could not advise what its policies were in relation to its terms and conditions.</p>	<p>We will not investigate the complaint because the Council has now responded to the queries and there is insufficient evidence of fault and injustice to warrant an investigation.</p>
<p>Mr X, complains the Council has refused to deal with road safety threats to him and other local road users following the building of new houses in his area. He says the additional traffic generated as a</p>	<p>The Ombudsman will not investigate this complaint because an investigation is unlikely to find evidence of fault.</p>

<p>result of the new houses significantly increases the risk of accident and injury at a sub-standard road and junction and that the Council should provide highway mitigation measures.</p>	
<p>Mr X (who represents a number of complainants) says that the Council failed to properly consider a planning application for a development near the complainants' houses.</p>	<p>The Ombudsman will not investigate this complaint because the matter has been considered by a court (via judicial review).</p>
<p>Mr X complains on behalf of a residents' association about the Council's failure to ensure adequate parking spaces on a large housing development.</p> <p>Mr X says because of this, some of the residents of the development park their cars on the streets in the local area, where car parking space is already difficult to find.</p>	<p>On the information seen so far, we should not investigate this complaint further as we are unlikely to find fault or an injustice we can remedy.</p>
<p>Mr X, complains the Council granted his neighbour's application for a certificate of lawful development (CLD) without considering the impact of the development</p>	<p>The Ombudsman will not investigate Mr X's complaint about the Council's handling of his neighbour's application for a certificate of lawful</p>

on his property. He says the development is overbearing and causes loss of light and privacy to his home and garden.	development. This is because it is unlikely we would find fault by the Council.
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2.20 The council complies with all rulings by the Ombudsman and their decisions are published on their website. Their findings are helpful in terms of service development – be it challenging us where the Council may have got it wrong and thus leading us to review our approach or independently validating our decisions to customers. For the 2020/21 year however the Ombudsman has largely found in favour of the Council’s decision making processes.

Community Safety

No

Data Protection

Yes – use of infreemation

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material**Contact Member**

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