

**TO: THE EXECUTIVE
21 OCTOBER 2014**

**COMPLAINTS AGAINST BRACKNELL FOREST COUNCIL IN 2013/14
Assistant Chief Executive**

1 PURPOSE OF DECISION

- 1.1 To brief the Executive about complaints made against the Council in 2013/4 as part of the ongoing work to be responsive to residents' concerns, in pursuit of Medium Term Objective 11, a key action for which is, 'publish information about the Council to promote openness and cost-effectiveness and accountability'.

2 RECOMMENDATIONS

That the Executive:

- 2.1 **Endorses the approach taken to dealing with and learning from complaints to the Council;**
- 2.2 **Notes the Annual Review letter of the Local Government Ombudsman to the Council for 2013/4;**
- 2.3 **Notes the information on other complaints against the Council in 2013/14; and**
- 2.3 **Notes the developments in complaints handling.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council's staff guidelines on complaints stipulate that, '*The Chief Executive's Office shall write an annual report about complaints, which shall include reference to the annual letter issued by the Local Government Ombudsman*'. This report gives the Executive information on an important aspect of the Council's services to residents, in keeping with the Council's Charter for Customers, which includes always putting the customer first, learning from feedback, and continually aiming to improve the Council's service and performance.
- 3.2 To support the implementation of the corporate Customer Contact Strategy, endorsed by the Council's Executive on 5 July 2011. This strategy's overarching aim is to improve the quality of customer service to residents and service users.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

Annual Review Letter From the Local Government Ombudsman

- 5.1 The Local Government Ombudsman (LGO) has statutory powers under the Local Government Act 1974 to investigate complaints of injustice arising from maladministration

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by local authorities. The LGO investigates complaints about most council matters including housing, planning, education, social services, consumer protection, drainage and council tax. The objective of the LGO is to secure, where appropriate, satisfactory redress for complainants and better administration for the authorities. Since 1989, the LGO has had power to issue advice on good administrative practice in local government based on experience derived from their investigations.

- 5.2 The LGO requires complainants to give the council concerned an opportunity to deal with a complaint against it first, using the council's own complaints procedure, and if this has not been done, the LGO deems such complaints to be 'premature'. If the complainant is not satisfied with the action the council takes, he or she can complain to the LGO, or ask a councillor to do so on their behalf. The LGO's Annual Letter is therefore an important, independent 'barometer' of the effectiveness of the Council's complaints resolution process and service to residents generally.
- 5.3 Within the Council, the Chief Executive's Office co-ordinates the responses to any complaints referred from the LGO to the Council (except statutory social services cases which are dealt with by the Adult Social Care, Health & Housing or Children, Young People & Learning department as appropriate), and acts as the main liaison point with the LGO.
- 5.4 The LGO's Annual Review Letter to the Council for 2013/14 is attached at Appendix 1. Drawing on this, also other published and internal information, other notable points are:
- a) The 28 complaints received by the LGO against the Council in 2013/14 is:
 - Higher than the annual average of 19 complaints the LGO received about the Council over the preceding three years.
 - Lower than the average of 51 complaints the LGO received for all councils in 2013/14.
 - Lower than all other Unitary authorities in Berkshire (the next lowest being 37, and the highest being 52 complaints to the LGO).
 - b) The LGO investigated 24 complaints against the Council and decided not to uphold any complaint. This too was lower than all other Unitary authorities in Berkshire (the next lowest being 3, and the highest being 8).
 - c) The Council's average speed in responding to LGO cases has remained well within the 28 days requested by the LGO.
- 5.5 In summary, the number of complaints to the LGO concerning Bracknell Forest Council has increased but is still low when compared to other authorities, and very low in view of the huge number of customer interactions by the Council each year. The extent to which complaints to the LGO are upheld is lower still. This continues the positive trend in recent years. Nevertheless, it must be recognised that, however few complaints are made, they are all important to the people who raise them.

Other Complaints Against the Council

- 5.6 The Council's overall complaint statistics for 2013/14, as reported by departments in their Quarterly Service Reports (QSR), shows a 30% increase on the 2012/13 figures, and are given in Appendix 2. A main reason for the increase was the incidence of complaints regarding waiting times at the council's main reception centre. The background to this and the corrective action taken is explained in paragraph 5.13. Otherwise, the increase occurred across various council areas, with no single pattern.
- 5.7 The figures at Appendix 2 exclude complaints dealt with at the point of service, such as verbal reports to front line staff, where issues are resolved locally. No central records are

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kept of such stage 1 complaints. Members should note that there are also separate annual reports produced by the Adult Social Care, Health & Housing, also the Children, Young People and Learning Departments on statutory social care complaints and Public Health complaints. The statistics in Appendix 2 continue to show that the majority of complaints are resolved without recourse to later stages in the process. The figure of 14 LGO complaints cases differs to the 28 in the LGO letter as it excludes cases dealt with by the LGO without reference to the Council, and those where the LGO refers cases to the Council for our resolution (usually because the complainant has not given the Council an opportunity to respond to their complaint beforehand).

Learning From Complaints in 2013/14

- 5.8 The Council's overall approach has continued, to train and empower front line staff to deal effectively with complaints at the earliest opportunity. The Council's publication, 'Comments, Compliments or Complaints about council services' was last revised and reissued in 2011, as were the Council's internal guidelines for staff on handling complaints. QSRs, which are reviewed by Departmental Management Teams, the Corporate Management Team, the Executive and Overview & Scrutiny members, publish information on complaints and how the Council has learnt from them. Examples of this learning process in 2013/14 have included:

Adult Social Care, Health and Housing

- 5.9 On the processes when working with people towards the end of their life:
- For people who require end of life care, consideration will be given to information already held on the system so as not to create any unnecessary delay where social care funding is required.
 - Protocols regarding financial assessment for people requiring palliative care are being revisited to ensure there is not any duplication of information that causes unnecessary delays.
 - A review is being undertaken with the Contracts Team to look at ways that relevant information needed quickly can be gathered so that a decision can be made without delaying the transfer of care for people who urgently need residential provision.
- 5.10 On services provided in Residential Care Homes:
- A temporary Care Plan must be in place before anyone is accepted in to the home, including for a short or respite stay.
 - All relevant staff to receive further training on completing an initial care-plan.
 - All Duty Officers in Charge are to ensure that they pay particular attention to the personal appearance of respite guests.
 - All incidents, including refusal of support with personal care, are to be reported to Duty Officer in Charge and recorded in the Management Notifications Diary in the Duty Office. The family must then be notified as soon as possible.
- 5.11 Where homecare appointments are changed or cancelled, either by staff or by people receiving support, staff will confirm these changes in writing, when time and circumstances permit.
- 5.12 A key learning point on housing complaints has been that it may be better to offer a meeting with complainants if they are prepared to accept them as it should be easier to explain

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different interpretations of the service provided in person rather than via correspondence. Following the meeting, written confirmation of what was agreed during the meeting is sent to the complainant

Corporate Services

- 5.13 Fifteen complaints were regarding waiting times at Time Square reception. This had been as a result of the trial of the new ways of delivering the Housing and Benefits services. The Council continued to review the process for dealing with customers and actively pursued a solution to the queue management issues, to ensure all customers are not waiting an unreasonable length of time, whilst maintaining positive outcomes for all services. The final solution has reduced waiting times to a minimum.
- 5.14 Arising from a complaint that council tax liability had been miscalculated following end of entitlement to single person discount, it was decided to carry out a review of the billing stationery.
- 5.15 Following a complaint about a Land ownership dispute, it was decided that communication with a complainant should be followed up in writing after any visit to ensure clarity and understanding.

Children, Young People and Learning

- 5.16 Where a complaint has been difficult or complex, 'a learning from complaints' meeting is held with Senior Managers in Children's Social Care to ensure the Council is able to reflect and learn from the situation and put in place measures to reduce the risk of issues arising in the future. Some examples of key learning points and subsequent 'services' improvements that have been implemented / agreed were:
- Awareness of cultural diversity issues and whether an interpreter should be used
 - Social Workers have been reminded to be vigilant of their surroundings - younger children may be able to overhear conversations between Council staff and family members within the family home.
 - Avoid 'targeted phrasing' when describing an individual's personality or character, whilst maintaining the importance of being open, honest and transparent.
- 5.17 As a result of a complaint about children's services, it was decided to make two service improvements:
- If officers feel that a client/family are not accessing/engaging with services, they should evidence exactly the nature of the failure to engage.
 - Actions and decisions from meetings, together with any dissent shown, should be clearly recorded and dated. This will include clearly detailing any services to be provided and contact details.

Environment, Culture and Communities

- 5.18 Clarification was issued to the Council's car parking contractors regarding the timing of issuing penalty charge notices and the powers available regarding cancellation of notices.
- 5.19 It was recognised that there is a need to identify, and agree with applicants, a timescale for response to planning pre-application queries that is appropriate to the complexity of the application.
- 5.20 A complaint concerning assessment under the code for sustainable homes resulted in future agreements for services being tightened in two respects, to avoid any risk of misinterpretation:

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- The wording in the agreement was clarified in relation to the responsibilities for production of information.
- When an offer is made to engage an external assessor, an upper cost on that would be set.

5.21 The value was recognised of holding face to face meetings in order to resolve complex issues, to avoid lengthy and resource intensive correspondence.

Developments in Complaints Handling and Records

5.22 The recording of corporate complaints was enhanced from 1 April 2014 to record the outcome of a complaint, in terms of whether each complaint was upheld, partially upheld, or not upheld.

5.23 The Customer Contact Strategy Group has considered simplifying the Corporate Complaints Procedure, by reducing the number of stages from four to three. This would bring the corporate process into line with the statutory processes for Adults' and Children's Services and Public Health. It would also speed up the process for customers whilst retaining the involvement of officers at a senior level, and the Chief Executive for the final stage. This proposal is being taken forward, and a report will be presented to the Corporate Management Team later in 2014, with revised guidance for staff and a revised procedure to be published for customers.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 Nothing to add to this report.

Borough Treasurer

6.2 There are no financial implications arising from the recommendations in this report.

Equalities Impact Assessment

6.3 There are no direct impact issues to be considered.

Strategic Risk Management Issues

6.4 This report presents no strategic risk management issues for the Council.

Other Officers

6.5 The views of other relevant officers in departments have been sought in the production of this information report.

7 CONSULTATION

Principal Groups Consulted

7.1 Corporate Management Team

Method of Consultation

7.2 Consultation was carried out on the draft information report.

Representations Received

7.3 None.

Background Papers

Quarterly Corporate and Departmental performance reports 2013/14

Contact for further information

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Groups\CXO\G\Complaints and Correspondence

Local Government
OMBUDSMAN

7 July 2014

By email

Mr Timothy Wheadon
Chief Executive
Bracknell Forest Borough Council

Dear Mr Timothy Wheadon

Annual Review Letter 2014

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

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To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

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Local authority report – Bracknell Forest Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local authority	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Bracknell Forest C	2	3	3	7	0	4	7	2	28

Decisions made

Local authority	<u>Detailed investigations carried out</u>		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
Bracknell Forest C	0	2	2	9	1	10	24

Explanatory Notes by LGO

- **Advice given:** These are cases where we give advice about why LGO would not look at a complaint because the body complained about was not within the LGO's scope or we had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.
- **Closed after initial enquiries:** These complaints are where we have made an early decision that we could not or should not investigate the complaint, usually because the complaint is outside LGO's jurisdiction and we either cannot lawfully investigate it or we decide that it would not be appropriate in the circumstances of the case to do so. Our early assessment of a complaint may also show there was little injustice to a complainant that would need an LGO investigation of the matter, or that an investigation could not achieve anything, either because the evidence we see shows at an early stage there was no fault, or the outcome a complainant wants is not one we could achieve, for example overturning a court order.
- **Incomplete/invalid:** These are complaints where the complainant has not provided us with enough information to be able to decide what should happen with their complaint, or where the complainant tells us at a very early stage that they no longer wish to pursue their complaint.
- **Referred back for local resolution:** We work on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires LGO to give authorities an opportunity to try and resolve a complaint before we will get involved. In many instances, authorities are successful in doing this and many of the complainants we refer to an authority do not come back to us to continue their complaint further.

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Appendix 2

COMPLAINTS – 2013/14

Department	Statutory Stage 1	Statutory Stages 2&3	Stage 2	Stage 3	Stage 4	Ombudsman	Total Complaints	Of Which (excluding 14 on-going):		
								Upheld	Partially Upheld	Not Upheld
Chief Executive's Office	N/A	N/A	0	0	0	1	1	0	0	1
Corporate Services	N/A	N/A	25	4	0	5	34	18	0	16
Environment, Culture and Communities	N/A	N/A	14	3	4	4	25	5	0	15
Children, Young People & Learning	23	2	1	1	0	2	29	3	6	15
Adult Social Care, Health & Housing	19	N/A	9	7	4	2	41	2	13	22
Total	42	2	49	15	8	14	130	28 (24%)	19 (16%)	69 (59%)

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COMPLAINTS – 2012/13

Department	Statutory Stage 1	Statutory Stages 2&3	Stage 2	Stage 3	Stage 4	Ombudsman	Total Complaints
Chief Executive's Office	N/A	N/A	0	0	0	0	0
Corporate Services	N/A	N/A	19	5	2	1	27
Environment, Culture and Communities	N/A	N/A	5	4	9	6	24
Children, Young People & Learning	19	3	0	0	0	1	23
Adult Social Care, Health & Housing	20	N/A	4	0	0	1	25
Total	39	3	28	9	11	9	99

COMPLAINTS – 2011/12

Statutory Stage 1	Statutory Stages 2&3	Stage 2	Stage 3	Stage 4	Ombudsman	Total Complaints
41	3	20	8	5	15	92

Source – Quarterly Service Reports