

STANDARDS COMMITTEE - 2ND DECEMBER 2004

REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL AND DEMOCRATIC SERVICES) AND MONITORING OFFICER

CORPORATE COMPLAINTS COVERING PERIOD 1ST APRIL TO 30TH SEPTEMBER 2004

PURPOSE

1. The purpose of the report is to inform Members of the numbers and types of complaints received under the Corporate Complaints Procedure for the period 1st April 2004 to 30th September 2004. The report also provides details of complaints which were pursued with the Ombudsman.

2. BACKGROUND INFORMATION

- 2.1 Attached for information, at Appendix A, is a copy of the Council's Corporate Complaints Procedure. This is also available on the Council's website.
- 2.2 The fundamental objective of the Complaints Procedure is to make it easy for people to complain. The Council value complaints as a positive means of obtaining customer feedback and of informing performance management on service delivery. In line with the desire to listen and act upon what people are saying about the provisions of services and the way the Council relates to Oldhamers the Complaints Procedure provides for service users to make complaints in a variety of ways by telephone, personal contact, e-mail, letter, the website (using the contact form) or by the official complaints form. Attached at Appendix 'B' is a copy of the complaints/feedback form which is also on the Council's website.

3. COMPLAINTS SUMMARY

- 3.1 The former manual recording systems were replaced with a computerised data recording system in November 2004.
- 3.2 The Council received 521 complaints the vast majority of which 484 were dealt with at stage 1 of the Corporate Complaints Procedure. Attached at Appendix 'C' is a breakdown of complaints showing both the numbers received and the broad categories on a departmental basis. The figures for Social Services Department and Education and Cultural Services Department reflect the fact that complaints to those departments are largely dealt with outside the corporate system. In the case of Social Services complaints are considered under a statutory procedure and an annual report on their complaints will be submitted to Standards Committee in May 2005. Similarly with Education and Cultural Services most of their complaints are about schools (89 were recorded in this period) and are therefore referred to the schools to be dealt with under their complaints procedures. Additionally, Education and Cultural Services have further appeals processes. Details of these are set out at Appendix 'D'. As you might expect most complaints are about the services which touch the majority of people with over 75% of complaints concerning Environmental Services being about highways/waste management, street scene and green spaces. Similarly, 66% of complaints

about First Choice Homes being about repairs with a significant proportion, around 5% concerning alleged anti-social behaviour.

3.3 Eleven complaints progressed to the third and final stage of the procedure. Of these, 4 were Environmental Services, 3 were Chief Executive's, 2 were First Choice Homes, 1 was Social Services and 1 was Regeneration. At the third and final stage each complaint was investigated on an individual basis by the Corporate Complaints Officer. The methodology of investigation was to clarify the complaint, review departmental files, interview and take witness statements and obtain legal and technical expertise where appropriate. The outcome of the investigations was that three complaints were supported, 2 were partially supported and 6 were not supported.

3.4 During this period 33 people referred their complaints against the Council to the Ombudsman. Details are attached at Appendix 'E'. The breakdown on a departmental basis is Chief Executive 7, Environmental Services 10, First Choice Homes 11, Social Services 2 and Regeneration 3. These complaints do not highlight a particular area where there is cause for concern. Of these 33 complaints 8 were premature and were, therefore, put through the Council's complaints procedure and 4 were outside the Ombudsman's jurisdiction. The Ombudsman investigated the remaining 21 cases and found no maladministration in 9 cases with 5 being settled locally, 4 being subject to the Ombudsman's discretion (this means the Ombudsman was satisfied that the Council had taken appropriate action to remedy the complaint) and 3 still under investigation. There were, therefore, no findings of maladministration against the Council and accordingly the Ombudsman did not issue any formal reports.

4. COMPARATIVE STATISTICS FOR AUTHORITIES IN GREATER MANCHESTER

The Ombudsman publishes yearly statistics and therefore comparative information is not available for the period ending September 2004. However, attached at Appendix 'F' are details of complaints referred to the Ombudsman for authorities in Greater Manchester for 2002/2003 and 2003/2004.

5. SERVICE IMPROVEMENTS

It is important to learn from complaints and thereby improve Council Services. In this context following a complaint the Council amended the information supplied to applicants for disabled facilities grants to make it clearer that a provisional assessment of the availability of grant was indicative only. The actual grant available could only be calculated when the applicants financial details had been verified. This amendment will help people to understand the process better.

6. RECOMMENDATIONS

Members are asked to note the report.

COMPLAINTS STATISTICS

APPENDIX C

(A)

<u>DEPARTMENTS</u>	<u>Stage 1</u>	<u>Stage 2</u>	<u>Stage 3</u>	<u>Total</u>
Chief Executive's	18	1	3	22
Environmental Services	101	11	4	116
First Choice Homes	347	5	2	354
Education	17	6	0	23
Regeneration	1	2	1	4
Social Services	0	1	1	2
Total	484	26	11	521

(B)

<u>CATEGORY OF COMPLAINTS</u>	<u>Chief Executive</u>	<u>Environmental Services</u>	<u>First Choice Homes</u>	<u>Education and Cultural Services</u>	<u>Regeneration</u>	<u>Social Services</u>
Disagree with policy or practice	1	33	9	2	0	0
Failure to carry out service requests	1	8	0	0	0	0
Out of time service delivery	0	0	79	0	0	0
Failure to follow policy	0	2	6	0	0	0
Failure to follow procedures	0	3	5	4	0	0
Failure to keep appointments	1	1	0	0	0	0
Failure to meet timescales	0	2	0	0	0	0
Failure to provide a service	6	24	0	3	0	0
Not applicable	0	16	0	1	0	0
Other	5	0	0	4	0	0
Discrimination – gender	0	0	0	0	0	0
Discrimination – disability	0	0	1	0	0	0
Discrimination - race	0	0	0	0	0	0
Poor quality service	1	12	136	1	1	0
Staff conduct	4	5	12	3	0	2
Unfair treatment	3	5	6	2	2	0
Unfavourable decision	0	4	21	3	1	0
Failure to action request/response	0	0	79	0	0	0
Total	22	116	354	23	4	2

**STANDARDS COMMITTEE
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EDUCATION AND CULTURAL SERVICES DEPARTMENT

1. **PURPOSE**

Education and Cultural Services have the following Appeals Procedures which are separate from the corporate Complaints Procedure. This information is presented in order to provide a more comprehensive picture of complaints/appeals being undertaken by the Department.

2. **STATISTICS**

2.1 **HOME TO SCHOOL TRANSPORT MODERATION CASES**

For applications for transport support which fall outside the Home to School/College Transport Policy.

Number refused	1
Number approved with unlimited support	2
Number approved with partial/time limited support	8

Total number of applications made during the period 11

The 1 refused case was given the option of an appeal to an independent panel but did not do so.

2.2 **SPECIAL EDUCATION NEEDS AND DISABILITY TRIBUNALS**

Number withdrawn by parents prior to hearing	0
Number dismissed in favour of LEA	0
Number upheld in favour of parents	2
Cases not yet heard	2
Number struck out for want of prosecution	1

Total number of cases put forward in the period 5

2.3 **SCHOOL APPEALS**

Numbers lodged within financial year:-

	<u>Appeals logged</u>	<u>Withdrawn by parents - no reason given</u>	<u>Withdrawn by parents - Re- allocated as places became available</u>	<u>Heard</u>	<u>Dismissed</u>	<u>Upheld in favour of parents</u>
Primary	39	14	1	24	22	2
Secondary	57	12	15	30	26	4
Totals	96	26	16	54	48	6

2.4 EXCLUSION APPEALS

<u>Exclusion Appeals</u>	<u>Numbers</u>
Appeals to independent panel	1
Upheld	1
Not upheld	0
Total	1

**OMBUDSMAN'S COMPLAINTS
HALF YEAR REPORT – APRIL TO SEPTEMBER 2004**

<u>No.</u>	<u>Department</u>	<u>Complaint</u>	<u>Decision</u>
722	Environmental Services	Condition of Failsworth Cemetery	Premature
723	Environmental Services	Failed to consult on planning application	No maladministration
724	First Choice Homes Oldham	Failed to handle re-housing application properly	Ombudsman's discretion
725	Environmental Services	Failed to consult on planning application	Premature
726	First Choice Homes Oldham	Failed to investigate neighbour complaint	Ombudsman's discretion
727	First Choice Homes Oldham	Delay in allocating property	Local settlement
728	First Choice Homes Oldham	Failed to investigate neighbour complaint	No maladministration
729	Chief Executive	Failed to action single occupier discount	Local settlement
730	Environmental Services	Failed to maintain highway	Outside jurisdiction
731	Regeneration	Failed to respond to neighbour complaints	No maladministration
732	Regeneration	Failed to consider grant application	No maladministration
733	Environmental Services	Failed to notify the removal of headstones	No maladministration
734	Environmental Services	Failed to introduce traffic calming	No maladministration
735	First Choice Homes Oldham	Delay in rehousing	Premature

736	Chief Executive	Failed to make offer on Right to Buy application	Premature
737	Social Services	Failed to inform of circumstances leading to hospitalisation	Ombudsman's discretion
738	Environmental Services	Failed to enforce planning conditions	Decision awaited
739	First Choice Homes Oldham	Wrongly allocated for a three bedroomed property	No maladministration
740	Chief Executive	Failed to inform before instructing Bailiffs	Premature
741	First Choice Homes Oldham	Poor quality of refurbishment work	Local settlement
742	Environmental Services	Failed to take enforcement action	Premature
743	Regeneration	Failed to advise correctly on disabled facilities grant	Premature complaint
744	Environmental Services	Failed to reinstate headstones at Failsworth Cemetery	No maladministration
745	First Choice Homes Oldham	Disciplinary action against employee	Outside jurisdiction
746	Chief Executive	Failed to advise of appeal for Council Tax determination	Ombudsman's discretion
747	Environmental Services	Burial in wrong grave plot	Local Settlement
748	Social Services	Failed to consult on employment contract	Outside jurisdiction
749	Chief Executive	Failed to offer best title in Right to Buy application	Decision awaited
750	First Choice Homes Oldham	Failed to re-house in timely fashion	Decision awaited

751	Chief Executive	Refusal to make Housing Benefit and Council Tax benefit payments	Outside jurisdiction
752	First Choice Homes Oldham	Failed to consider properly request for double glazing	No or insufficient evidence of maladministration
753	First Choice Homes Oldham	Failed to make Home Loss Payment	Premature complaint
754	Chief Executive	Court action wrongly sought for Housing Benefit overpayment	Local settlement