

# Joint Audit and Governance Committee



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To: Joint Audit and Governance Committee  
DATE: 03 July 2017

## Review of complaints received during 2016/17

### Purpose of report

1. The purpose of this report is to provide the committee with information and statistics about complaints received during 2016/17.

### Corporate objectives

2. By analysing complaints, we can identify any trends and introduce service improvements central to our ambitions in providing a good customer service.
3. This annual review has been brought forward to this meeting to reduce the number of items on the September agenda, the official annual complaints report from the LGO will not be available for inclusion at this meeting. This report will be circulated once received, towards the end of July.

## **Background**

### **THE COMPLAINTS PROCEDURE**

4. The main benefits of having a council-wide procedure for dealing with complaints are that:
  - members of the public know what to do if they have a complaint and how we will deal with it;
  - staff can be confident about what to do when they get a complaint;
  - everyone is treated fairly and equally; and
  - by analysing complaints we can improve our services.

It has been recognised that the system changed in 2016/17. The Strategic Director no longer deals with stage two complaints which has placed additional pressure on Heads of Service, resulting in pressure to execute stage two responses on time. In these circumstances, a revised date will be offered to the complainant extending the response time. As a result of this change and during the coming year, the complaints system will be reviewed in parallel with the management staffing structure.

5. This complaints procedure exists to identify and treat all stakeholders fairly, thoroughly and honestly, and committing to providing a quality service in an efficient and effective way possible.

#### **Stage one**

The head of service or service manager will respond (or arrange for a member of their team to respond on their behalf) within 20 calendar days of receipt of the complaint. All complaints are logged on the complaints database, which generates daily automatic reminder emails from three calendar days prior to the target date and continues to do so until details of the response have been entered.

#### **Stage two**

An independent head of service or the chief executive will respond within 20 calendar days of receipt of the request to escalate the complaint to stage two. Again, the complaints database generates daily automatic reminder emails from three calendar days prior to the target date.

We advise the relevant ward member(s) when we receive, and respond to, complaints at both stages.

If, having followed our complaints procedure, the complainant remains dissatisfied, s/he has the right to ask the Local Government Ombudsman (LGO) to investigate their complaint.

## **COMPLAINTS STATISTICS**

6. Complaint statistics are reported twice yearly in the March and September Board Reports, and are available to councillors electronically via 'In Focus'. The Board Report is also published on our website.
7. Appendix One contains statistical data relating to the number of complaints received and our performance against target for issuing responses. The number of complaints in South is broadly in line with the previous 2 years, while those in Vale have increased with roughly 40 percent relating to planning. Planning complaints are less likely to be resolved at stage one.

## **LGO investigations**

8. During 2016/17 the LGO received 11 complaints against South compared with 13 in 2015/16, and 6 against Vale compared with 7 in 2015/16.
9. The number of complaints against both South and Vale has decreased in 2016/17.
10. Not all LGO enquiries require us to make a formal response. This can be for a number of reasons including:
  - the LGO can reach a decision from seeing copies of the responses sent at the different stages of our complaints procedure;
  - the complaint is outside the LGO's jurisdiction and a response from us is therefore unnecessary; and
  - the complainant has an alternative right of appeal and the LGO is therefore unable to investigate the complaint.
11. South achieved 43 per cent of target for response times for LGO complaints, while Vale achieved 50 percent. While these response times are below target, this is because of some very difficult outlying cases which needed to be investigated over a prolonged period.
12. Examples of LGO complaints are attached for information, at appendix 2 (South) and appendix 3 (Vale) where decision against the vale are upheld.

## **Financial Implications**

15. There are no financial implications arising directly from this report.

## **Legal Implications**

16. There are no legal implications arising from this report.

## **Risks**

17. It is important to have a robust and efficient system in place to deal with and analyse complaints, ensuring that members of the public receive clear and fair responses to their queries and concerns. As part of the risk management process,

we look at the effectiveness of our complaints procedure in the way we monitor, review our delivery and response mechanisms.

### **Other implications**

18. There are no human resources, sustainability, equality or diversity implications arising directly from this report.

### **Conclusion**

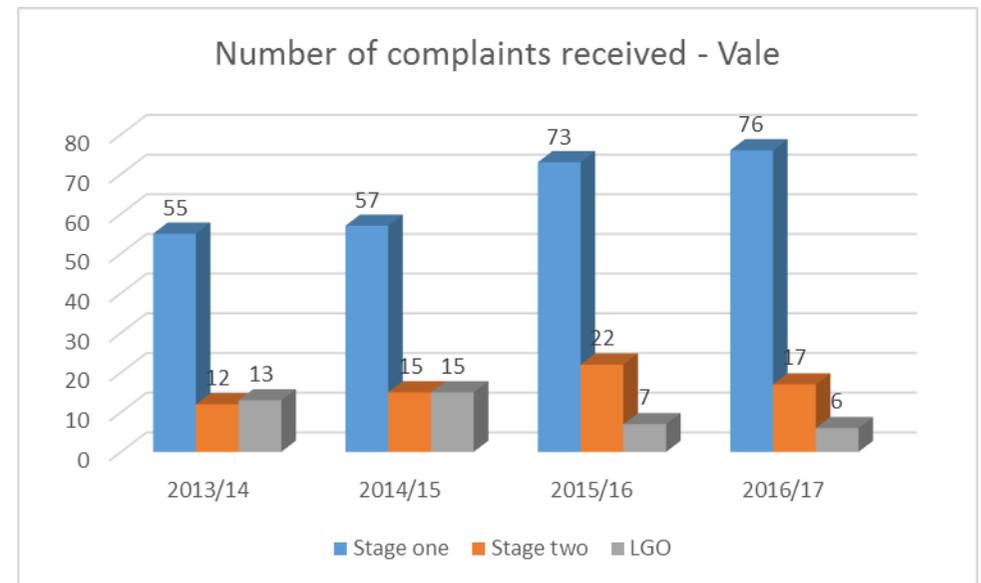
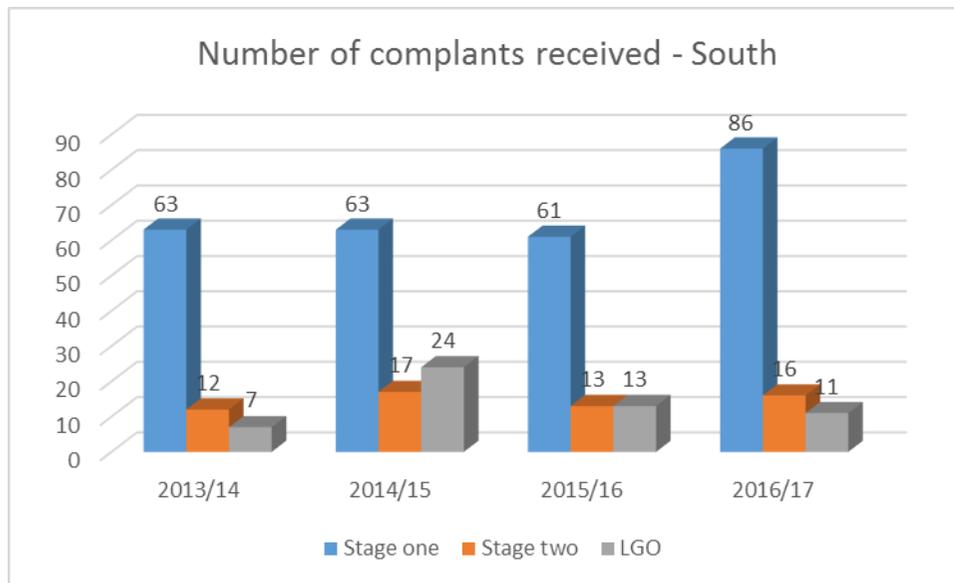
19. This report sets out the statistical data for complaints received during 2016/17.

### **Background papers**

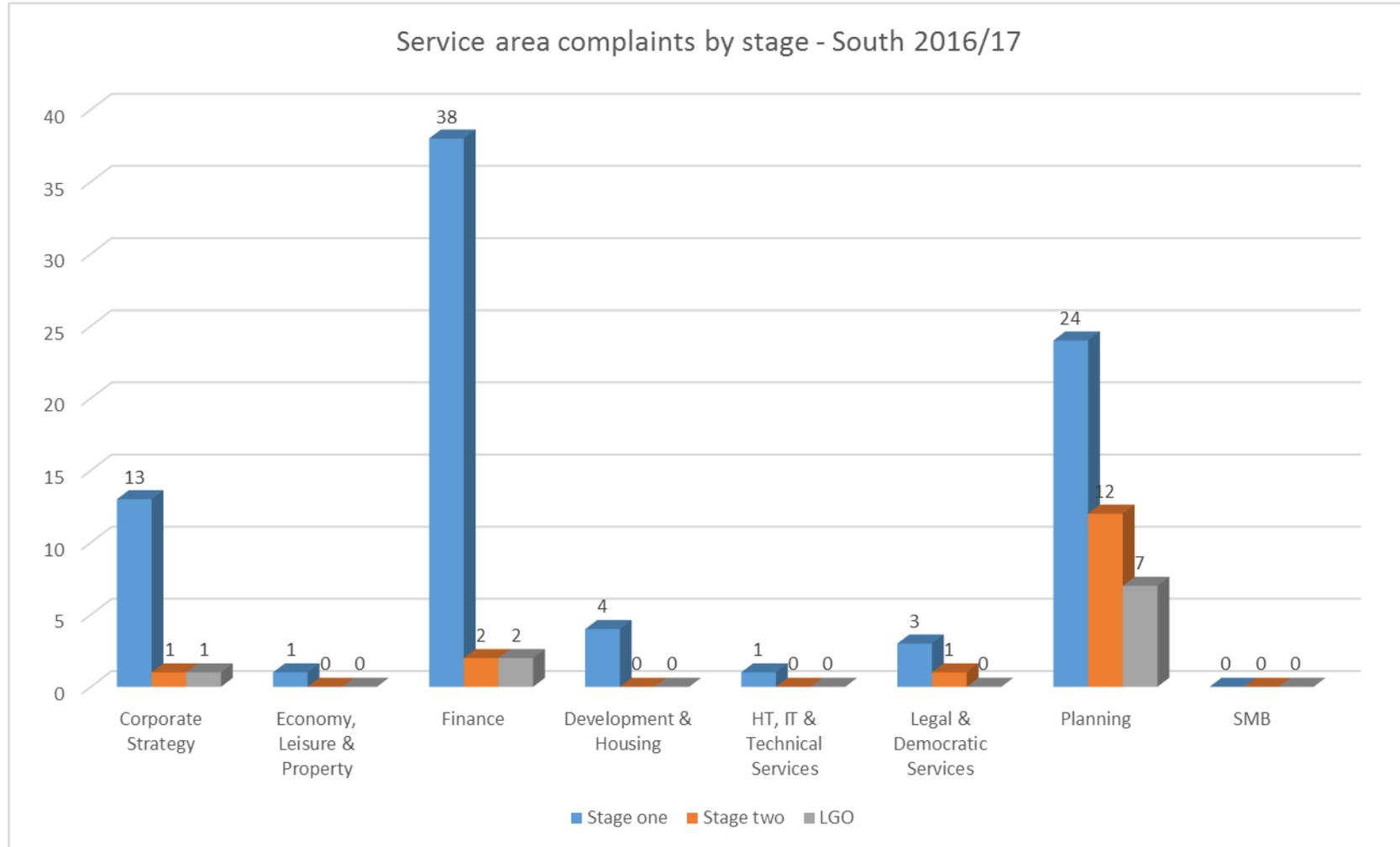
20. None

### Complaints statistics

- The following charts show the number of complaints received at each council, at each stage of the process, and compares them to numbers received in the previous three years.



The following charts show the number of complaints received for each service at each stage of the complaints procedure.



NOTE.: There are two complaints at stage one where no service team was identified, therefore not recorded against a service above.

Service area complaints by stage - Vale 2016/17



2. The total number of complaints has changed slightly. For South, there is an increase in the number of stage one complaints received in a year, a slight increase in stage two and a small reduction to LGO complaints: in 2015/16 there were 13 stage two complaints and 13 LGO complaints, as opposed to 16 stage two complaints and 11 LGO complaints in 2016/17.

For Vale, this has been consistent with the numbers received last year. There has been a slight increase in stage one complaints received, a slight increase in stage two complaints, and a decrease in LGO complaints: in 2015/16 there were 73 stage one complaints, 22 stage two complaints and 7 LGO complaints, whereas in 2016/17 there were 76 stage one complaints, 17 stage two complaints and 6 LGO complaints.

3. As in 2015/16, Finance and Planning received the highest number of complaints across both councils.

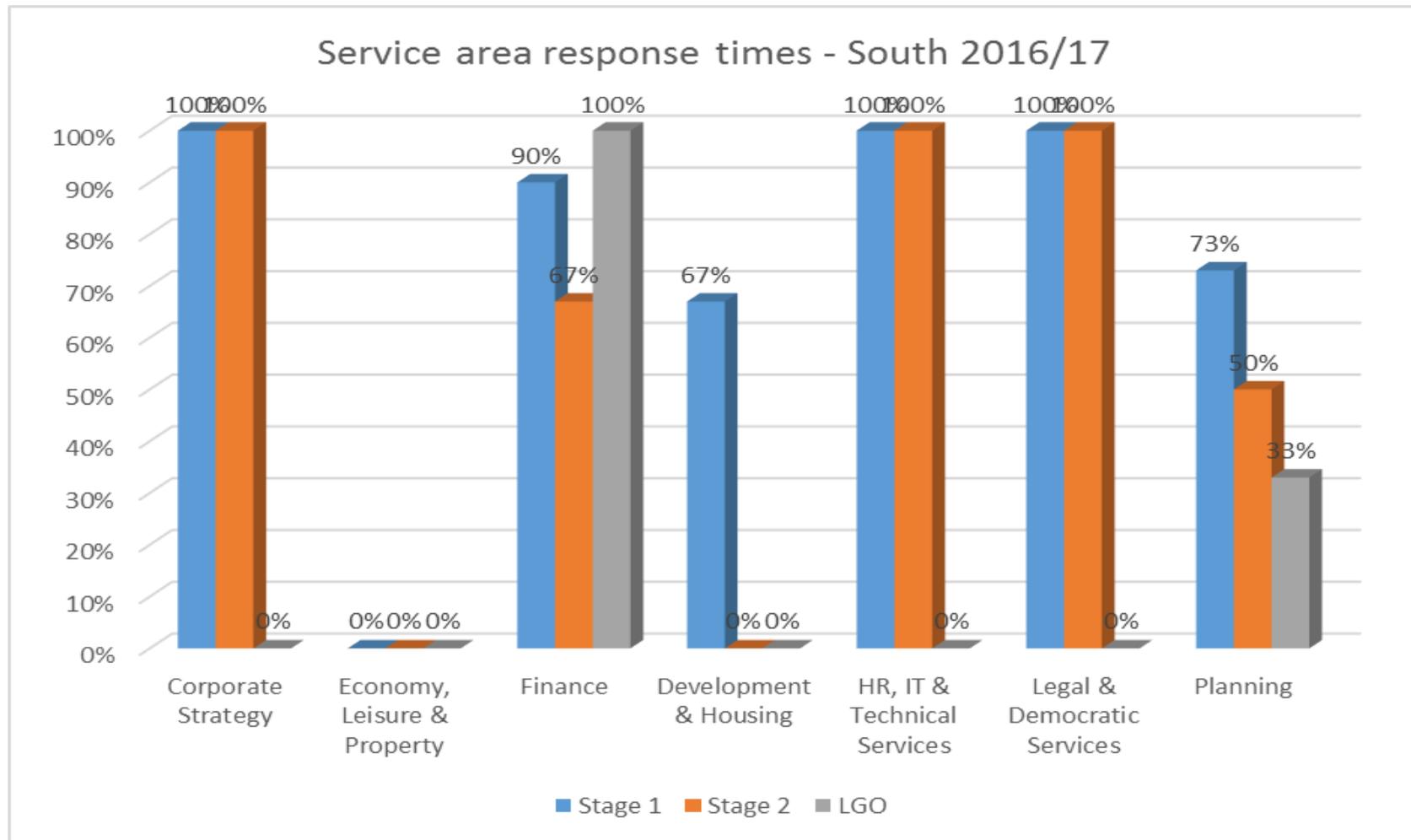
### **South**

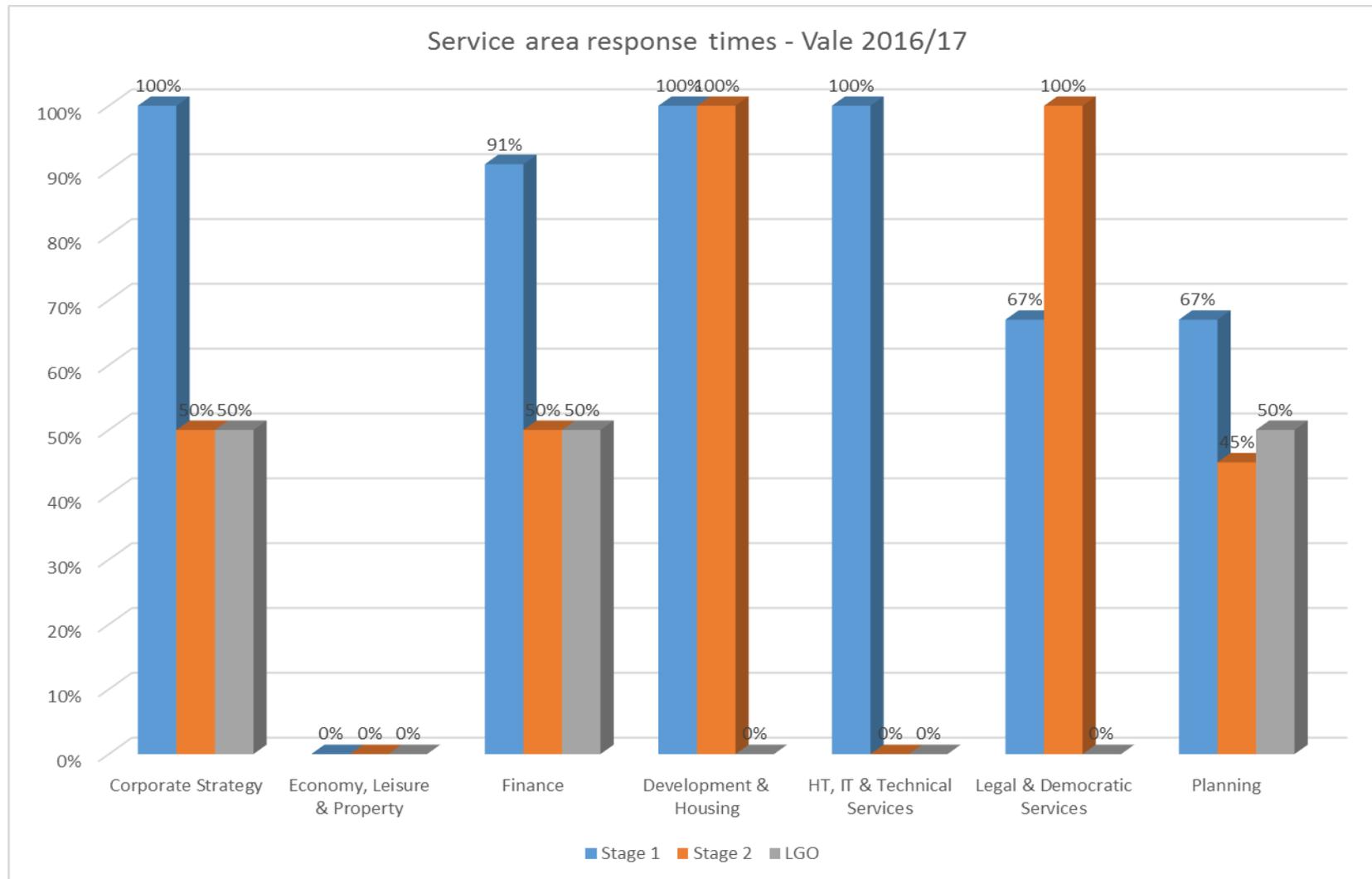
In 2015/16, Planning received 19 stage one complaints, 6 stage two complaints and 8 LGO complaints; and in 2016/17, Planning received 24 stage one complaints, 12 stage two complaints and 7 LGO complaints. In 2015/16, Finance received 22 stage one complaints, 2 stage two complaints and 3 LGO complaints; and in 2016/17, Finance received 38 stage one complaints, 2 stage two complaints and 2 LGO complaints.

### **Vale**

In 2015/16, Planning received 30 stage one complaints, 13 stage two complaints and 4 LGO complaints; and in 2016/17, Planning received 20 stage one complaints, 11 stage two complaints and 2 LGO complaints. In 2015/16, Finance received 18 stage one complaints, 4 stage two complaints and 2 LGO complaints; and in 2016/17, Finance received 34 stage one complaints, 2 stage two complaints and 1 LGO complaints.

5. The following charts show our performance against target in responding to complaints.





6. The percentage of complaints at stages one and two that were dealt with within target at South is fairly consistent when compared with 2015/16 percentages, with a decrease in the number of on-target LGO complaints since last year. The percentage dealt with within target at Vale has decreased for stage one and stage 2 with a slight increase for LGO complaints.

**LGO decisions upheld – 1 April 2016 to 31 March 2017 – South**

**None. Nothing to report.**

### LGO decisions upheld – 1 April 2016 to 31 March 2017 – Vale

#### 1. LGO decision – closed after x2 enquiries – no further action

Decision date – 31 May 2017

LGO main subject area – Finance

##### Complaint

Mr B complains the Council did not tell him a deduction was to be made from his salary for a housing benefit overpayment which he had challenged. He further complains the Council would not stop the deduction even though he offered to make payments direct and failed to provide the information he needed to appeal against the recovery of the overpayment. He complains about the conduct of staff dealing with his claim.

He also said that because of the deductions he could not meet his basic living expenses and has had to give up work.

##### Background – Ombudsman's summary

The Council has powers to require an employer to make deductions from an employee's salary for housing benefit which has been overpaid and which the Council is recovering. This is called a direct earnings attachment. The regulations require the Council to give notice to the claimant and to the employer of the requirement to make deductions. The Council does not have to go to court to set up such an arrangement.

The Council decided in July 2015 that it had overpaid Mr B housing benefit and council tax reduction. The total overpayment was over £18,000. The Council told Mr B of the overpayment and his right to appeal against the decision. Mr B did not appeal and the Council started to recover the overpayment from his ongoing benefit.

Mr B said he had left the property (so any entitlement to benefits ended) but did not provide a forwarding address. The Council sent the overpayment reminder and recovery action letters to Mr B's last known address.

In January 2016 Mr B contacted the Council and said that he had expenses that should be taken into account. He provided evidence and the Council considered it. That reduced the overpayment to just over £14,000 and the Council issued a new decision, again to Mr B's last known address, in March 2016. Mr B did not appeal against the decision.

As Mr B had made no payments and had not appealed the Council started recovery action in May 2016. As Mr B was employed the Council considered that a direct earnings attachment was the best way to recover the overpayment. Deductions started in September and continue at just over £300 a month.

##### Assessment

Mr B complained that he was unaware the Council had requested deductions be made from his salary. The Council has not been able to provide a copy of the notice as it is

manually produced and a copy was not saved to the electronic record. The Council has commented that most of the correspondence it sends to Mr B's last known address is returned although the notice was not. It is therefore likely that Mr B did not receive the notice but this is not because of some fault by the Council. Mr B has not provided the Council with a postal address and in these circumstances it was fault for the Council to send the notices and other correspondence to his last known address.

Mr B has said that he would receive correspondence to this address because he has a forwarding arrangement but the envelopes the Council use are marked do not redirect. The Council comments that this is an anti-fraud measure as recommended by the Department of Work and Pensions. This is not fault.

Mr B comments that he understood that the matter was being investigated and was therefore on hold. He was not told that recovery action would be proceeding. In January 2016 Mr B provided more information which the Council acted on and issued a revised entitlement letter. This was telling Mr B that he owed over £14,000 and also told him how he could challenge the decision. I consider this was making clear that the Council considered him liable. I have seen no evidence to show that Mr B took any action at this point and I consider it would be reasonable for him to assume that the Council was going to take action to recover the money owed.

I have seen email correspondence between Mr B and the agents acting for the Council. Mr B offered to pay £50 and asked the Council to stop the deductions from his salary. The Council said that it would stop the deductions if Mr B agreed to pay £100 a month and provided his current address. Mr B comments that the Council expected him to pay the £100 on top of the deduction that had already been made and he was not able to provide an address as he was living in a number of temporary places. The Council did initially ask for an immediate payment of £100 but in response to Mr B's reply the Council agreed to accept a payment once the deductions from his salary were stopped. The Council did say that he must provide an address where he was living as it needed to send some correspondence in writing. This was not fault. I understand Mr B's living arrangements were not permanent but he still needed to provide the Council with a postal address. In not doing so he ran the risk of not receiving important communications.

In responding to Mr B's complaint the Council said that the only way it could consider a payment arrangement would be if Mr B completed a means enquiry form. This would mean it could assess whether the deductions were causing him hardship. The Council posted a form to his last known address. Mr B asked for it to be emailed but the Council did not do so. I consider the Council should have emailed the form to Mr B. But Mr B did not chase the Council for a form nor did he provide evidence of his income and expenditure in some other way.

Mr B says the Council did not tell him how he could appeal against the overpayments. The standard notifications of the overpayment the Council sent to Mr B in July 2015 and in March 2016 after the reassessment contained details of how to appeal.

Mr B complained in general terms about the staff he had dealt with about this matter. I have seen nothing to suggest any fault.

#### **Agreed action**

The Council has emailed a means enquiry form to Mr B.

## **LGO's conclusion**

There was no fault by the Council in using a direct earnings attachment from Mr B's salary to recover overpaid housing benefit. **There was fault in the failure to email a means enquiry form. The Council will now email the form to Mr B and that is a satisfactory resolution of the complaint.**