

Report of Chief Executive

To: Standards Committee

Date: 4th December 2009 **Item No: 6**

Title of Report: Complaints Monitoring – 2009/2010
(1st April 2009 – 30th September 2009)

Summary and Recommendations

Purpose of report: To provide statistical information and analysis of customer feedback through complaints

Key decision: No

Portfolio Holder: Councillor Oscar van Nooijen

Scrutiny Responsibility: N/A

Ward(s) affected: All

Report Approved by: William Reed, Democratic Services Manager

Policy Framework: Corporate Governance

Recommendation(s): The Committee is asked to note and comment on the report

Introduction

1. At its meeting on 5th September 2008, Committee resolved that it would like to continue to receive Complaints Monitoring reports every six months, notwithstanding the possibility that information comparable over time still might not be possible in six months' time.
2. It also agreed that in order to resolve difficulties of comparison (because of the management restructure) and to safeguard the position for the future, to ask the Chief Executive to consider monitoring of complaints taking place on a work area or some other basis smaller than whole Department level because this would not be likely to change if further restructures took place.

3. This report provides an analysis of the first half of the year 2009/2010 together with comparable information from previous years, where available.
4. At its meeting on 2nd October 2009, Committee raised a number of queries and comments on the 2008/2009 Complaints Monitoring report, to which it expected to receive answers and responses before its next meeting. Appendix 4 contains the replies to most of the matters raised. The response to the question about the large number of Stage 3 complainants that remain dissatisfied is contained in the main body of this report.

Production of Statistical Information

5. Appendix 1a provides a breakdown of the number of complaints received in each of the service areas at Stages 1 and 2. Some service areas are monitoring complaints on a work area basis, rather than at service area level, thereby according with Committee's request at its meeting on 5th September 2008.
6. A detailed breakdown of the nature of the complaint, whether it is about staff behaviour, a dispute with the Council, a service delivery issue or a policy matter was not possible for all service areas because historically complaint information has not been recorded in a uniform way by all service areas. Appendix 1b contains this type of information, where it is available.
7. A detailed analysis of all justified Stage 1 and 2 complaints has not been possible, again because of the inconsistent recording of complaint information. However, Appendix 1c provides a breakdown for Oxford City Homes, Environmental Development, Customer Services, City Development, Legal and Democratic Services, Community Housing and Community Development, and City Leisure. The commentary from Service Heads below gives some indication of City Works' response to complaints it receives and the action taken, where required. No justified complaints were received or reported in respect of Finance, Human Resources, Property and Facilities Management and Business Transformation.
8. An analysis of Stage 3 complaints and cases referred to the Local Government Ombudsman for determination is included in Appendix 2 and Appendix 3 respectively. Some comparative data from previous years is included, where possible.
9. As part of the introduction of the Customer Relationship Management (CRM) system across the Council, work is taking place to ensure that consistent records in respect of complaints are maintained.

General Commentary on Complaints

10. As reported before to the Committee, the highest numbers of complaints received are about the front line services most used by members of the public. The number of complaints received needs to be viewed in context and set against the numbers using (or potentially using) the particular service, and the number of complaints that are considered justified.
11. Complaints continue to be welcomed as a method of feedback. Trends that are apparent can be used to make service improvements and inform policy decisions.

Commentary on Stage 1 and 2 Complaints

12. The following comments have been received from Service Areas:

- i) Oxford City Homes

Of the 316 complaints received (53 of which are claims for compensation), 107 are related to responsive repairs and 52 are related to Tenancy Services. The remainder were spread across Oxford City Homes' other services. To help put the responsive repair numbers into context, 14,672 such jobs were undertaken between 1st April 2009 and 30th September 2009. Some complaints involve several teams within Oxford City Homes and across the Council so that a resolution can be reached.

Many complaints relate to service delivery, which includes missed appointments, failure to follow up on previous repairs, recalls on the quality of work undertaken, recalls because of material failure, jobs beyond target date and the failure to keep the tenant informed of progress. The number of complaints that relate to service delivery has reduced, but there has been an increase in the number of complaints that are related to a dispute or disagreement (mainly because the tenant disagrees with the initial decision that has been made in respect of a tenancy issue rather than a repair).

Overall, during this period, the number of complaints has decreased compared to the same period last year (334 complaints were received during the same period last year, 35 of which were claims). 710 compliments were received for the first six months of the year.

Oxford City Homes investigates and responds to all complaints, and the management team monitors the complaints on a monthly basis to detect trends. No clear trends have emerged, but continual analysis of data will highlight issues as and where they occur.

In terms of action taken, where appropriate, tenants receive an apology, compensation is paid, remedial work is undertaken or explanation given and, where necessary, employees are counselled/disciplined for poor quality of work or poor customer care.

ii) Customer Services

Of the justified complaints about the Benefits service, two were received within a week of each other about the website having incorrect information. As a result, the benefits pages on the website were completely revised and all incorrect or misleading information was removed.

One significant complaint concerned incorrect benefits advice being given by a member of staff in Community Housing. Although the employee acted in good faith, he miscalculated the amount of tax credits to which the claimant would be entitled. In addition, information the claimant provided about her income was not accurate and this was not identified by the employee. Therefore, the estimate of benefit entitlement was also inaccurate. Staff have been reminded of the complexity of benefit calculations, and that they should refer tenants and claimants to the appropriate agency for benefits advice. In this instance, compensation was paid after the case was referred to the Local Government Ombudsman.

Most justified complaints are because of errors in administration. Of the complaints that were justified in full or part, eight were about mistakes that had been made by the assessment staff. Checks have shown that the accuracy of the assessment staff has been variable during the period in question and steps have been taken to retrain in areas identified as a cause for concern. The accuracy has begun to improve and it is hoped this will be reflected in the next six monthly complaints report.

The main cause of complaint in Revenues was in relation to the application of exemptions or discounts and refunds.

iii) City Works

At least 95% of complaints against the waste and recycling service were in respect of alleged missed bins. However, as Committee has been notified previously, it is not possible to establish the reason for the missed bin. All cases of missed bins are rectified as soon as possible.

The complaints system in City Works is audited on a regular basis as part of ISO 9002 accreditation. The external audit carried out in June 2009 produced a positive outcome.

Commentary on Stage 3 Complaints and Ombudsman Cases

13. The first half of 2009/2010 shows a marked decrease in the number of cases referred to the Chief Executive and Directors from the figures for either of the six months' periods in 2008/2009.
14. The number of cases determined as justified between 1st April and 30th September was low, the figure being the same as for the previous year's first six months.
15. No trends were apparent from the five justified cases.
16. The Parks complaints were in respect of a repair to a fence (and the delays in handling the complaint by Parks and City Work staff), and the closure of Florence Park toilets due to vandalism.
17. In the former case, the fence was repaired and the complainant offered £25 compensation in full and final settlement for the delays in dealing with the complaint. The offer was accepted. The complaint about the closure of the toilets was resolved when they were repaired and reopened.
18. The justified elements of the two Property and Facilities Management complaints were about not responding to an email and not keeping someone adequately informed. Apologies were offered in both instances. The substantive parts of the complaints were not justified.
19. The City Works complaint that was justified concerned the failure to deliver garden waste sacks and to respond to the complainant. Matters were resolved when sacks were delivered and it was confirmed to the complainant that she was on the delivery schedule. Although a Field Officer had tried to contact the complainant by calling at the property, no calling card was left or email sent when it was found that no one was home. City Works will alter its procedures to ensure that calling cards are left at a property if the householder is not at home. Staff have been reminded that they need to make certain a written response is sent to complainants.
20. The number of complaints against City Development, all in respect of the Planning service, continued to be high, relative to those received in other service areas. Most related to the handling of planning applications and the decision that was reached. In each of these cases, the proper procedures for consultation and determining

applications were followed, hence they were not considered to be justified.

21. At its meeting in October, Committee commented on the large number of Stage 3 cases where following determination of their respective complaint, complainants appeared to remain dissatisfied, either by referring the case to the Local Government Ombudsman, disputing the findings or continuing in correspondence to the extent that the matter was still considered ongoing. It is extremely difficult to establish the reasons why the complainants remained dissatisfied. Most are likely to be so because they have not achieved the outcome they were seeking. There is no reason to suppose that the Council's determination was at fault. If a complainant remains dissatisfied once the Council's complaints procedure has been exhausted (by referral to Stage 3), the most appropriate course of action is to refer the matter to the Ombudsman for investigation.
22. Rather than analyse statistics from 2008/2009 as requests by Committee (which would be quite an onerous task), the 10 cases in the first half of 2009/2010, which come into the category remaining dissatisfied have been assessed.
23. Of the five cases, referred to the Ombudsman by complainants who remained dissatisfied, no or insufficient evidence of maladministration decisions were received for four of them. In the other case, the Ombudsman suggested an increase in the offer of compensation that had already been made at Stage 1/2 of the complaints procedure.
24. The three complaints that are ongoing have been the subject of further investigation following receipt of additional information received from complainants. However, the decision reached in these cases has not been changed. Two were from serial complainants.
25. The two complaints recorded in the disputed findings category both relate to matters where the complainants, one of whom is a serial correspondent, did not accept the decision that had been made. They provided no new details to warrant the cases being considered further.
26. The number of decisions by the Ombudsman with a finding against the Council has once again remained very low. The one case where a Local Settlement was agreed resulted in the Council making a payment of £500 for wrongly charging for a garage after it was no longer usable. As mentioned above, compensation had already been offered (£250 by Oxford City Homes) following an investigation at Stage 1/2 of the complaints procedure but the Ombudsman felt that the extra amount more fully compensated the tenant for the problems that had been caused.

Name and contact details of author: Michael Newman,
Corporate Secretariat Manager

Background papers: None

Service Area	2006/2007	2007/2008 (* 1/4 - 30/9 only)	2008/2009			2009/2010 1.4.09-30.09.09
			1.4.08 – 30.9.08	1.10.08 - 31.03.09	Total	
Business Transformation	-	-	0	0	0	0
City Development						
Planning	32	18*	4	5	9	4
Building Control	-	-	0	0	0	0
Tourism and Arts	-	-	0	0	0	0
City Works						
Refuse collection / Street services	8919	4810	1884	1701	3585	1898
Parks (up to 30.4.09)	-	-	12	5	17	0
Car Parks	3	0	2	2	4	3
Community Housing & Community Development	21	17*	4	3	7	11
Customer Services						
Housing Benefit	110	51	30	23	53	41
Revenues	-	-	15	-	15	15
Front Office and Call Centre	-	-	0	0	0	2
Environmental Development	7	14	9	11	20	12
Finance	-	-	0	0	0	0
Human Resources	1	0	0	0	0	1
Legal & Democratic	0	0	4	1	5	1
City Leisure (Client only from 1.4.09)	93	35*	10	19	29	19
City Leisure - Parks (From 1.5.09 onwards)	-	-	-	-	-	0
City Leisure (Fusion)	-	-	-	-	-	17
Oxford City Homes	648	516	334	400	734	316
Property & Asset Management	-	-	0	0	0	0

Service Area	Staff Behaviour				Dispute				Service Delivery				Policy							
	2007/ 2008	2008/ 2009 (to 30/09)	2008/ 2009 (to 31/03)	Total 2008 /2009	2009/ 2010 (to 30/09)	2007/ 2008	2008/ 2009 (to 30/09)	2008/ 2009 (to 31/03)	Total 2008 /2009	2009/ 2010 (to 30/09)	2007/ 2008	2008/ 2009 (to 30/09)	2008/ 2009 (to 31/03)	Total 2008 /2009	2009/ 2010 (to 30/09)					
Oxford City Homes	54	16	15	31	12	240	191	226	417	152	249	119	132	251	116	20	8	27	35	36
City Development (Planning)	0*	0	0	0	0	10*	1	3	4	4	7*	3	2	5	0	1*	0	0	0	0
Environmental Development	1*	5	6	11	2	1*	0	3	3	1	3*	4	2	6	7	1*	0	0	0	2
Community Housing & Community Development	7*	0	1	1	2	1*	1	2	3	5	8*	3	0	3	4	2*	0	0	0	0
Customer Services (Housing Benefit)	4	2	0	2	0	5	3	1	4	21	25	13	17	30	20	17	12	4	16	0
Customer Services (Revenues)	-	-	-	-	0	-	-	-	-	7	-	-	-	-	8	-	-	-	-	0
Customer Services (Front Office and Call Centre)	-	-	-	-	0	-	-	-	-	0	-	-	-	-	2	-	-	-	-	0
Legal & Democratic	-	0	1	1	1	-	2	0	2	0	-	2	0	2	0	-	0	0	0	0
Human Resources	-	-	-	-	0	-	-	-	-	1	-	-	-	-	0	-	-	-	-	0
City Leisure (Client)	-	-	-	-	1	-	-	-	-	0	-	-	-	-	16	-	-	-	-	2
City Leisure (Fusion)	-	-	-	-	1	-	-	-	-	0	-	-	-	-	16	-	-	-	-	0

Appendix 1c

Response to Justified Complaints
* = 1/4 – 30/9 only

Service Area	Apology			Compensation			Work Undertaken			Service Review			Policy Review						
	2007/08	2008/09 (to 30/09)	2008/09 (to 31/03)	Total for 08/09	2007/08	2008/09 (to 30/09)	2008/09 (to 31/03)	Total for 08/09	2009/2010 (to 30/09)	2007/08	2008/09 (to 30/09)	2008/09 (to 31/03)	Total for 08/09	2007/08	2008/09 (to 30/09)	2008/09 (to 31/03)	Total for 08/09	2009/2010 (to 30/09)	
City Development (Planning)	3*	1	0	1	0*	0	0	0	0	1*	0	0	0	0*	0	0	0	0	0
Community Housing & Community Development	11*	2	0	2	0*	0	0	1	0	5*	1	0	1	0*	0	0	0	1	0
Customer Services (Housing Benefits)	6	2	6	8	1	0	1	11	4	14	7	4	11	0	0	1	1	0	0
Customer Services (Revenues)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
Customer Services (Front Office and Call Centre)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
Environmental Development	1*	1	2	3	0*	0	0	2	1	4*	1	1	2	0	0	0	0	0	0
Oxford City Homes	37	19	16	35	27	20	30	620	273	232	273	347	620	0	0	1	1	0	0
Legal & Democratic	-	0	1	1	-	0	0	0	0	-	0	0	0	-	0	0	0	0	0
City Leisure (Client)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
City Leisure (Fusion)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	n/a	n/a

Appendix 2a

Complaints referred to Chief Executive and Directors (Stage 3) - Analysis by Service Areas

Service Area	Received			Determined			Complaints Determined - Justified		
	2008/09		2009/10	2008/09		2009/10	2008/09		2009/10
	1.4.08-30.9.08	1.10.08 - 31.03.09	1.4.09-30.9.09	1.4.08-30.9.08	1.10.08 - 31.03.09	1.4.09-30.9.09	1.4.08-30.9.08	1.10.08 - 31.03.09	1.4.09-30.9.09
City Development	6	9	10	5	7	12	0	0	0
Oxford City Homes	5	8	4	4	6	4	0	2	0
Environmental Development	3	1	1	2	3	1	1	1	0
Customer Services	3	6	0	2	6	1	0	2	0
City Works - General	3	3	1	3	3	1	2	3	1
City Works - Car Parks	3	0	0	3	0	0	2	0	0
Parks	3	1	2	3	1	2	0	0	2
Property and Facilities Management	3	2	2	3	1	2	0	0	2
City Leisure	2	0	0	2	0	0	0	0	0
Community Housing and Development	2	5	2	2	5	1	0	0	0
Chief Executive	1	1	0	1	1	0	0	0	0
Business Transformation	1	0	0	1	0	0	0	0	0
Legal and Democratic	1	1	0	0	1	0	0	0	0
Finance	1	0	0	1	0	0	0	0	0
TOTAL	37	37	22	32	34	24	5	8	5

Appendix 2b

Nature of Complaint - Received

Complaints Received										
	2004/05	2005/06	2006/07	2007/08			2008/09			2009/10
	Total	Total	Total	1.4.07-30.9.07	1.10.07 - 31.3.08	Total	1.4.08-30.09.08	1.10.08 - 31.03.09	Total	1.4.09-30.09.09
Staff Behaviour/Attitude	13	10	12	6	0	6	1	3	4	5
Disputed Decision / Disagreement	24	53	24	23	14	37	17	21	38	11
Dissatisfaction with Service Delivery	38	48	52	15	8	23	18	11	29	9
Related to Policy Decision	0	0	4	2	2	4	2	2	4	0
Total	75	111	92	46	24	70	38	37	75	25

Nature of Complaint - Determined

Complaints Determined Justified										
	2004/05	2005/06	2006/07	2007/08			2008/09			2009/10
	Total	Total	Total	1.4.07-30.9.07	1.10.07 - 31.3.08	Total	1.4.08-30.09.08	1.10.08 - 31.03.09	Total	1.4.09-30.09.09
Staff Behaviour/Attitude	6	1	1	1	0	1	0	0	0	2
Disputed Decision / Disagreement	1	4	1	4	3	7	1	1	2	1
Dissatisfaction with Service Delivery	18	19	26	8	2	10	4	7	11	3
Related to Policy Decision	0	0	0	0	0	0	0	0	0	0
Total	25	24	28	13	5	18	5	8	13	6

Appendix 2c

Action Taken when Complaint Justified

	Complaints Determined									
	2004/05	2005/06	2006/7	2007/08			2008/09			2009/10
	Total	Total	Total	1.4.07-30.9.07	1.10.07 - 31.3.08	Total	1.4.08-30.9.08	1.10.08 - 31.03.09	Total	1.4.09-30.09.09
Apology/Explanation	13	8	6	5	2	7	2	2	4	2
Compensation Paid	0	1	3	3	0	3	0	1	1	1
Service Change	3	2	0	0	0	0	0	1	1	0
Service Review	0	1	4	1	1	2	1	2	3	0
Policy Review	0	0	0	0	0	0	0	0	0	0
Work Undertaken	6	12	15	3	2	5	2	2	4	3
Total	22	24	28	12	5	17	5	8	13	6

Responses from Complainant

	Complaints Determined									
	2004/05	2005/06	2006/7	2007/08			2008/09			2009/10
	Total	Total	Total	1.4.07-30.9.07	1/10/07 - 31.3.08	Total	1.4.08-30.09.08	1.10.08 - 31.03.09	Total	1.4.09-30.09.09
No Further Response Received	39	77	60	20	10	30	17	16	33	10
Referred to Ombudsman	3	12	6	5	1	6	3	5	8	5
Ongoing	13	11	3	7	1	8	3	3	6	3
Outcome Accepted	3	4	6	13	5	18	3	4	7	4
Complainant Disputed Findings	10	15	28	7	8	15	6	6	12	2
Total	68	119	103	52	25	77	32	34	66	24

Appendix 3

Ombudsman Cases 2008/2009 – Decisions Issued

Analysis by Service Area (excl. premature complaints)

Service Area	2008/08 1.4.08-30.9.08	2008/9 1.10.08-31.03.09	2008/9 Total	2009/10 1.4.09-30.09.09
Oxford City Homes	6	0	6	4
City Development	4	1	5	5
Customer Services	1	3	4	0
Parks	1	0	1	1
Community Housing & Community Development	1	0	1	1
Environmental Development	0	1	1	1
City Works	0	0	0	1
Finance	0	0	0	1
Legal and Democratic Services	0	0	0	1
TOTAL	13	4	18	15

Decisions Issued - Analysis by Service Area

Category	Number	Breakdown by Service Area
No or Insufficient Evidence of Maladministration	11	5 City Development
		3 Oxford City Homes
		1 Parks
		1 Environmental Development
		1 Community Housing and Development
Local Settlement	1	1 Oxford City Homes
Ombudsman Discretion	1	1 Finance
Outside Ombudsman's Jurisdiction	2	1 City Works
		1 Legal and Democratic Services
Reports (Formal report issued)	0	
Sub Total	15	
Premature	3	
Total	18	

Responses to the queries and comments raised by the Committee at its meeting on 2nd October 2009.

1. Appendix 1(a) – should the headings for 2008/09 read 1.4.08 – 30.09.08 and 1.10.08 – 31.03.09? If not, and they should read as typed, where was the data for March and April 2009?

The headings should have read 01.04.08 – 30.09.09 and 01.10.09 -31.03.09.

2. For Oxford City Homes and Leisure complaints in appendix 1(a), if multiple complaints by the same complainant were taken out, how many complaints would there be?

The number of complaints would not be significantly reduced in either service area. It is hoped to give an oral update at the meeting to notify Committee of the numbers involved.

3. Appendix 1(c), Oxford City Homes, work undertaken as a response to justified the complaints - the figures were high. They also fluctuated in a marked manner. If the expressed amount of work was undertaken as a response to complaints, why was the Council not getting it right first time? Why had things gone wrong to the extent that work of the amount shown in the table was having to be undertaken as a response?

The "Work Undertaken" category also included cases where an explanation was given to the complainant, and the number of explanations far outweighed the occasions that work had to be carried out. Oxford City Homes is in the process of changing its recording procedure so that a clearer distinction can be made between these types of action taken. An oral update will be given at the meeting.

4. Appendix 2(c) table 4 – the totals for 2008/09 show that for 40% of Stage 3 complaints, complainants were still not satisfied (i.e. eight go on to the Ombudsman, six were ongoing and 12 disputed the findings). This was a high percentage. A breakdown of complaints at this stage should be submitted to the next meeting of the Committee.

Please see paragraphs 21 to 25 in the main body of the report.

5. Paragraph 8 of the report said that a detailed analysis of all justified.....complaints had not been possible. But given today's meeting had been put back by a month, why was this?

Details were not recorded in service areas to enable this analysis to take place.

6. On section 12(1), fourth paragraph of the report, where have the compliments come from? It was unusual to receive compliments, certainly in the number mentioned.

The compliments were contained in letters and comment cards received from tenants and from calls received at the Oxford City Homes Contact Centre.

7. The role of the Ombudsman and the stages complainants should go through to resolve complaints before going to the Ombudsman should be made clear in complaints publicity.

The publicity material, including the new complaints leaflet does make it clear that the Council's complaints procedure usually has to be exhausted before the Ombudsman will investigate. If the Ombudsman receives a complaint that has not been considered through all of the relevant stages of the Council's procedure, it will normally be classed as a "Premature" complaint and forwarded to the Council to investigate. There are a number of occasions when the Ombudsman will investigate even though the matter has not been considered at all stages of the Council's procedure.