



**OPEN REPORT
GOVERNANCE AND RESOURCES COMMITTEE**

Governance and Resources Committee – 22 September 2022

Complaints Annual Report 2021-22

Report of Director of Corporate and Customer Services

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report provides information on formal complaints made under the District Council's internal Complaints Procedures; those referred to the Local Government Ombudsman, and against individual elected member behaviour at town, parish and District Council level.

Recommendations

1. That the Complaints Annual Report for the period from April 2021 to March 2022 be noted.

List of Appendices

Appendix 1 Local Government and Social Care Ombudsman Annual Letter to the Chief Executive of Derbyshire Dales District Council

Background Papers

[Derbyshire Dales District Council Complaints Procedure](#)

Consideration of report by Council or other committee

N/A

Council Approval Required

No

Exempt from Press or Public

No

Complaints Annual Report 2021-22

1. Background

1.1 All local authorities need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales and in accordance with legislation. In order to do so the Council has adopted a complaints procedure which provides clarity and transparency to customers on how to raise issues and how the Council will consider and respond to a complaint.

1.2 The Council's Complaints Procedure has three stages:

Stage 1 – Informal Complaint

Complaints received are sent to the relevant Service Manager for assessment, investigation and response

Stage 2 – Formal Complaint

This process is used if customers are either not satisfied with the results of their informal complaint or if, by its very nature, their complaint is accelerated by the Council to this point from the start. The Council also accelerates complaints to stage 2 if it has let down customers by not responding within its targets at stage 1.

If a complaint has already passed through stage one, and the customer remains dissatisfied, the Council will ask the customer to make it clear that they want their complaint to be referred to the relevant Service Director for assessment, investigation and response.

Stage 3 – Final Stage

If a customer is not satisfied with the response at Stage 2 they can ask the Council to look at their complaint again in the final stage in the complaints procedure. At this stage, customers are asked to explain their reasons for seeking a final review so that the Chief Executive can focus on those particular concerns, review them and provide the Council's final decision.

1.3 Where a complainant remains dissatisfied with the response of the Council to its complaint after Stage 3, they can take things further by contacting the Local Government Ombudsman. The Ombudsman is totally independent of the Council and has a legal duty to investigate complaints about local councils across the country.

1.4 The purpose of this report is to outline the complaints that the Council received in the period from 1 April 2021 to 31 March 2022, those matters referred to the Local Government Ombudsman and to provide an overview of complaints received in respect of alleged breaches of the Code of Conduct by Members of the District Council and town/parish councils.

2. Key Issues

Formal Complaints to the District Council

2.1 During 2021/22 the District Council received a total of 221 complaints in respect of its services. This compares with a total of 135 complaints in

2020/21. The large increase in complaints is attributed to the well documented issues in relation to the delivery of waste collection services in the last year.

- 2.2 194 complaints (88%) were resolved at Stage 1 of the complaints procedure in 2021/22, with 23 complaints (10%) resolved at stage 2 and a further 4 complaints (2%) going onto stage 3 review by the Chief Executive. This compares favourably to performance in 2020/21 which saw 78% of complaints resolved at stage 1, 13% resolved at Stage 2 and 8% going to stage 3 review by the Chief Executive. This suggests that officers have been able to address and resolve complaints earlier and faster in 2021-22, which is positive in view of the increase and concentration of complaints in one service department.
- 2.3 There has been an improvement in performance in responding to complaints within the ten day timescale required by the complaints procedure. In 2021/22, officers responded to 89% of complaints within the ten day timescale, whereas this figure was 79% in 2020/21. Whilst this is recognised as an improvement on the previous year, further training will delivered in the coming year to reiterate standards to officers. Performance reports will be reviewed by the Corporate Leadership Team on a quarterly basis to ensure that standards are being adhered to and understand what is preventing responses being issued in accordance with the agreed timescale.
- 2.4 A summary of complaints received by service department is detailed in the following table:

Service Department	Total Complaints Received	Issues complained about	Number of complaints
Corporate & Customer Services	5	Derbyshire Clause Procedure	2
		Electoral Emails	1
		Social Media Communications	1
		Land Charges	1
Community & Environmental Services	204	ABC Motorcycle Show	1
		Arc Cleanliness	1
		Bakewell Market Blocked	1
		Waste Collections	164
		Food Waste,	3
		Garden Waste,	5
		Toilets,	8
		Unsafe Play Area	1
		Car Parks	14
		Cemeteries maintenance	1
		Grounds Maintenance Staff	1
		Hall Leys Park Staff	1
Hedge / Verge Cutting	3		
Housing	1	Home Options	1
Regeneration & Policy	0	-	-

Service Department	Total Complaints Received	Issues complained about	Number of complaints
Regulatory Services	6	Planning	3
		Noise Nuisance	1
		Hygiene Inspection	1
		Fixed Penalty Notice	1
Resources	1	Council Tax	1
Cross Departmental	4	Injury in car park	1
		Conversation with staff member re waste	1
		Customer Services and Waste Collections	1
		Waste Collections and reporting them	1

Local Government & Social Care Ombudsman Performance during 2021-22

- 2.5 Complainants who remain dissatisfied with the handling of their complaint following the final stage of the internal complaints procedure may take their issue up with the Local Government and Social Care Ombudsman (LGO).
- 2.6 On 20 July 2022, the LGO wrote to the District Council to confirm that during the 2021/22 year the LGO had undertaken 2 detailed investigations in respect of complaints about the authority and had not upheld either complaint. This compared to a figure of 51% of complaints being upheld on average in similar authorities. By way of contrast, the LGO undertook one detailed investigation of a complaint about the District Council in 2020/21 and upheld that complaint meaning that 100% of complaints were upheld.
- 2.7 A copy of the LGO's letter and statistics in respect of the District Council are appended to this report.

Member Code of Conduct Complaints

- 2.8 Under the provisions of the Localism Act, the Monitoring Officer is required to assess such complaints against agreed criteria and the relevant authority's Code of Conduct, in consultation with the Independent Person.
- 2.9 The Assessment involves an examination of the evidence provided with a view to concluding whether on the face it:
- (a) the matter falls within the remit of the Code of Conduct. If the answer to this question is 'no', the complaint is immediately dismissed. If the answer is 'yes' the matter proceeds to the next stage;
 - (b) the potential exists, if proven, for the alleged behaviour to amount to a breach of the District Council's Code of Conduct. If the answer to that is 'No' the complaint is dismissed. If the answer is 'yes', the Monitoring Officer must balance the severity of the potential breach in terms of the public interest in requiring the matter to proceed to a

full investigation or to consider whether an alternative remedy is more relevant in the circumstances

2.10 There were 12 formal complaints alleging breaches of the Code of Conduct for Members during 2021/22. Within these complaints there were 13 alleged breaches by District Councillors and 12 alleged breaches by town or parish councillors. None of the complaints received in 2021/22 were subject to investigation and were resolved by the Monitoring Officer or Deputy Monitoring Officers at the initial assessment stage.

2.11 A summary of the complaints is set out in the table below:

No	District or Parish	Allegation	Outcome	MO or DMO
1	District	Complaint of alleged unauthorised surveillance and photography of a property by a Member connected to a Planning application	No action taken – no evidence produced and not in the public interest to investigate	DMO
2	District	Complaint of alleged predetermination of a matter considered by the Planning Committee	No action – Member had declared a personal interest and that they had an open mind. No evidence produced to suggest otherwise. Not in the public interest to investigate	DMO
3	District	Complaint of alleged misinterpretation of comments at a meeting of the Planning Committee	Apology recommended and provided by the Subject Member to the complainant	MO
4	District	Complaint of alleged misinterpretation and misrepresentation of residents' views at a meeting of the Planning Committee	Apology recommended and provided by the Subject Member to the complainants	MO
5	Parish	Complaint of alleged bullying and harassment in relation to planning enforcement by 10 Parish Councillors	No action – the complainant had provide insufficient evidence to suggest that it was in the public interest to investigate the complaint further	DMO

No	District or Parish	Allegation	Outcome	MO or DMO
6	District	Complaint of alleged bullying and harassment in relation to planning enforcement by a District Councillor	No action – the complainant had provided insufficient evidence to suggest that it was in the public interest to investigate the complaint further	DMO
7	Parish	Complaint of a lack of respect from a parish councillor to a local resident	No action - the complainant had provided insufficient evidence to suggest that it was in the public interest to investigate the complaint further	MO
8	District	Complaint of a lack of respect from a Member to another Member at a meeting of the Planning Committee	Upheld – Apology and training on the Code of Conduct recommended. Training delivered by the MO to the Subject Member, who also provided an apology to the complainant	MO
9	District	Complaint of a failure to demonstrate leadership and a lack of respect exhibited by 5 Members during a meeting of the Council (this matter was the subject of a collective complaint, although it was assessed as a single complaint)	No action – the allegations were not sufficiently serious to warrant further investigation	MO
10	District	Complaint of a lack of respect exhibited by a Member during a meeting of the Council	No action – the allegations were not sufficiently serious to warrant further investigation	MO
11	District	Complaint of a lack of respect through the use of potentially offensive material on the Member’s social media profile	No action – the allegations were not sufficiently serious to warrant further investigation	MO

No	District or Parish	Allegation	Outcome	MO or DMO
12	Parish	Complaint of a lack of respect during a meeting of a Town Council	No action – the allegations were not sufficiently serious to warrant further investigation	MO

2.12 By way of comparison, in 2020/21 there were 9 complaints alleging that the Code of Conduct for Councillors had been breached (9 individual allegations against District Councillors and 1 allegation against a parish councillor). During 2020/21, external investigators were commissioned in respect of two complaints against three District Councillors.

2.13 The Council is unable to recharge Town or Parish Councils for any costs incurred in assessing or investigating complaints. The Localism Act 2011 requires that the District Council meets all costs associated with considering complaints against councillors. Every complaint received by the Council is estimated to cost approximately £475 if concluded at the initial assessment stage. This cost does not include the opportunity cost of the Monitoring Officer not being able to undertake their other duties and responsibilities as the Director of Corporate and Customer Services whilst assessing and investigating complaints alleging breaches of the code of conduct. The costs to the Council are usually significantly higher where complaints require investigation either internally or by an external investigator.

3. Options Considered and Recommended Proposal

3.1 This report is submitted for information to provide Members with an overview of the authority's performance in respect of complaints. No decision is sought other than to formally receive the report.

3.2 However, work continues to improve the Council's offer to customers and the way in which it responds to complaints about services. With the development of a Customer Access Strategy and regular reporting on performance to the Corporate Leadership Team, Members can be assured that officers will continue to seek to improve the way in which the Council learns from complaints, ensuring that all learning reported is considered and the impact of service improvement is understood and recorded.

3.3 Another area for development is to increase the number of compliments recorded as this is also an important positive indicator of the quality of service provided and the value placed on it by residents and customers. In the coming year, officers from Corporate and Customer Services will work with managers to ensure that the process for recording and reporting compliments is established and positive feedback is directly shared with staff.

4. Consultation

4.1 This report does not seek a decision to make changes to policy or procedure and therefore it has not been subject to consultation.

5. Timetable for Implementation

- 5.1 There are no recommendations within this report requiring Member determination or a timetable for implementation. The report is submitted for information.

6. Policy Implications

- 6.1 Complaints monitoring has direct links to the Council's core values of fairness and equality, listening to people and quality of service. Additionally it links to the Council's corporate priority of providing a high quality customer experience.
- 6.2 A Customer Access Strategy which sets out the service offer that residents and customers can expect from the District Council, along with accompanying standards, will be reported to the Council in November 2022. Members will be asked to consider linking existing complaints procedures to the Customer Access Strategy so that all policy and procedural provisions are aligned to providing a high quality customer experience.

7. Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report. The provision of the compliments and complaints service is factored into the Council's budget. If a complaint to the LGO is upheld and the Council receives a recommendation to make a compensatory payment, then a request for an appropriate payment will be made to this committee in accordance with the Council's Financial Regulations. The financial risk associated with this report is assessed as low.
- 7.2 There are no direct staffing implications arising from this report.

8. Legal Advice and Implications

- 8.1 There was no breach of a rule of law in any of the complaints submitted during 2021/22 nor were there any matters requiring resolution from the Local Government and Social Care Ombudsman. This indicates that officers are responding to complaints in manner that is compliant with the functions and responsibilities of the authority and raises no concerns from a legal perspective.
- 8.2 For elected Members, mandatory training is aimed specifically at mitigating the chances of a serious complaint being submitted alleging a breach of the Code of Conduct. Refresher training on the ethical framework was delivered to Members in December 2021 and was mandatory for all Members.
- 8.3 Given that this report is submitted for information, the legal risk associated with this report is assessed as low.

9. Equalities Implications

- 9.1 Investigations through the complaint procedure consider all relevant policy and legislation, including those relating to equalities.

9.2 Improvements have been made to the way that complaints are recorded to ensure that information relating to equality and diversity are captured where the complainant is comfortable to disclose this information.

10. Climate Change Implications

10.1 There are no direct implications for CO2 Emissions and Climate Change arising from this report. However, it is possible for complaints to be made relating the Council's approach to Climate Change and these matters can be formally considered through the Complaint Procedures.

11. Risk Management

11.1 The Council faced pressures on services during 2021/22 due to the impact of the pandemic, as well as a continued ambition to improve customer experiences. It is important that customer expectations around what is sustainable for the Council to deliver are properly managed. To mitigate this, the Council is continuing to engage with the public as appropriate through regular communication, as well as where services are being proposed to be amended.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	05/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	22/08/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	31/08/2022