



## OPEN REPORT SCRUTINY COMMITTEE

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**Scrutiny Committee – 10 August 2023**

### **COMPLAINTS ANNUAL REPORT 2022-23**

#### **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 2022 to March 2023 be received.

##### **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 2022-23

## 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 2022 to 31 March 2023, 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 2022/23 the District Council received a total of 405 complaints in respect of its services and functions. This compares with a total of 221

complaints in 2021/22. The large increase in complaints is attributed to the well documented issues in relation to the development of proposals for a permanent Traveller site.

- 2.2 194 complaints (88%) were resolved at Stage 1 of the complaints procedure in 2022/23, 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 2021/22 which saw 85% of complaints resolved at stage 1, 14% resolved at Stage 2 and 1% going to stage 3 review by the Chief Executive. In reality, it is a reflection of the increase in complaints related to a single issue which has altered performance. Without the single issue complaints, 50% of complaints received were addressed at Stage 1, which indicates that complainants are not satisfied with the initial response and wished to escalate further.
- 2.3 There has been small decline in performance in responding to complaints within the ten-day timescale required by the complaints procedure. In 2022/23, officers responded to 88% of complaints within the ten-day timescale, whereas this figure was 89% in 2021/22.
- 2.4 A summary of complaints received by service department is detailed in the following table:

<b>Service Department</b>	<b>Total Complaints Received</b>	<b>Issues complained about</b>	<b>Number of complaints</b>
Chief Executive	2	Human Resources	1
		Personnel matter	1
Corporate & Customer Services	363	Planning Committee decision making – referral to Monitoring Officer	1
		Handling of planning applications – referral to Monitoring Officer	1
		Data Protection Breach	2
		Traveller Sites	359
Community & Environmental Services	16	Car Parks	2
		Fly Tipping	1
		Hedges and Verge Cutting	2
		Park Maintenance	3
		Public Toilet Charge	2
		Use of Petrol Mowers/ Strimmer	1
		Waste Collections, including: • <i>Missed bin collections</i> • <i>Crew negligence</i>	4
		Waste Communication on website	1

Service Department	Total Complaints Received	Issues complained about	Number of complaints
Housing	0	-	-
Regeneration & Policy	0	-	-
Regulatory Services	15	Planning	11
		Environmental Health, including: <ul style="list-style-type: none"> <li>• <i>Sewage Issue</i></li> <li>• <i>Tideswell Food Festival</i></li> <li>• <i>Electric Meter Box</i></li> </ul>	3
		Travellers	1
Resources	5	Council Tax	5
Cross Departmental	2	Noise complaint/ community trigger	1
		Waste/ Finance	1

### Local Government & Social Care Ombudsman Performance during 2022-23

- 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 19 July 2023, the LGO wrote to the District Council to confirm that during the 2022/23 year the LGO had undertaken 6 detailed investigations in respect of complaints about the authority and had not upheld any complaint. This compared to a figure of 59% of complaints being upheld on average in similar authorities. By way of contrast, the LGO undertook two detailed investigations of complaints about the District Council in 2021/22 but did not uphold either complaint.
- 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 4 formal complaints alleging breaches of the Code of Conduct for Members during 2022/23. Within these complaints there were 2 alleged breaches by District Councillors and 2 alleged breaches by town or parish councillors. None of the complaints received in 2022/23 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 defamatory remark made by Subject Member concerning the complainant	Recommendation that Subject Member consider their involvement in future matters where the complainant would be an active participant or interested party	MO
2	Parish	Complaint of alleged inappropriate behaviour by Subject Member during a period of silent reflection in memory of a former colleague	No breach was identified, but an apology was recommended	MO
3	Parish	Complaint of alleged inappropriate language by Subject Member during a meeting	No action – there was insufficient evidence to suggest that it was in the public interest to investigate the complaint further	DMO
4	District	Complaint of alleged lack of respect and failure of leadership during a meeting of the Planning Committee	No action – there was insufficient evidence to suggest that it was in the public interest to investigate the complaint further	MO

2.12 By way of comparison, in 2021/22 there were 13 complaints alleging that the Code of Conduct for Councillors had been breached (within this there were 13 individual allegations against District Councillors and 12 individual complaints of alleged breaches against parish councillors). During 2022/23, no matters were referred for external investigation.

### **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 recent approval of the Customer Access Strategy, which defines the standards that customers can expect from the authority, 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 In last year's report to the Governance and Resources Committee it was suggested that an area for development was to increase the number of compliments recorded as a positive indicator of the quality of service provided and the value placed on it by residents and customers. Limited progress has been made on this so in the coming year, officers from Corporate and Customer Services will prioritise working 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 scrutiny to consider and make recommendations.

### **6. Policy Implications**

- 6.1 Complaints monitoring has direct links to the 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 and the recently approved Customer Access Strategy.

### **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 2022/23 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. Members received training on the Code of Conduct and associated processes as part of the Induction Programme after the elections in May 2023, however additional training will be required following the change to the Code of Conduct agreed in July 2023.
- 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 and Biodiversity Implications

- 10.1 There are no direct implications for Climate Change or Biodiversity arising from this report.

## 11. Risk Management

- 11.1 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 Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	01/08/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	26/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	02/08/2023