


Agenda Item No:	7	
Committee:	Overview and Scrutiny	
Date:	3 September 2018	
Report Title:	Annual Ombudsman Letter and 3Cs process	

1 Purpose / Summary

To update Members on the annual statistics in relation to the Local Government and Health and Social Care Ombudsman (LGO) and the Council's corporate '3Cs' procedure. This explains how we deal with the comments, compliments, correspondence and complaints we receive.

2 Key issues:

- On an annual basis the Ombudsman forwards to the Council a summary of complaints received from members of the public. This is also copied to the Chairman of Overview and Scrutiny.
- The LGO investigated 12 complaints relating to Fenland District Council during 2017/18. Anyone can refer a complaint to the LGO as long as they have been through the Council's 3C's process. Two complaints were upheld; with a further complaint is still the subject of correspondence between the LGO and the Council. An update will be given at the meeting.
- In 2017/18, 3Cs received 848 pieces of contact. 400 were complaints; an 11% increase from 2016/17. 242 pieces of correspondence (28% less than in 2016/17) and 146 compliments (+7%) were received. Overall, contact through 3Cs was down by 12% compared to the previous year.

3 Recommendations

- It is recommended that the Overview and Scrutiny Panel consider and note the statistics in relation to the Ombudsman and 3Cs process.

Wards Affected	All
Forward Plan Reference	n/a
Portfolio Holder(s)	Cllr Anne Hay, Portfolio Holder for Finance
Report Originator(s)	David Wright - Policy and Communications Manager dwright@fenland.gov.uk
Contact Officer(s)	David Wright - Policy and Communications Manager Kamal Mehta - Corporate Director
Background Paper(s)	LGO Annual Report 2017/18 https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews

An overview of the Council's 3Cs process

1 Our 3Cs process

- 1.1 Our corporate 3Cs procedure is the framework used for managing comments, complaints and correspondence across the Council. We aim to provide a fair, consistent and structured process to enable customers to give their views and receive an accurate response. The feedback we receive is used to monitor performance and improve our services.
- 1.2 Customers can contact the 3Cs team by:
 - Completing an online/paper 3Cs form
 - Emailing 3Cs@fenland.gov.uk
 - Phoning our contact centre
 - Visiting a Fenland @ your service shop or Community Hub
 - Contacting their local councillor.
- 1.3 The process for managing each type of contact is summarised in Appendix A.
- 1.4 Contact is split into four high-level service areas:
 - Communities, Environment and Leisure (CEL)
 - Growth and Infrastructure (GI)
 - Planning, Policy and Governance (PPG)
 - Resources and Customer Services (RCS)
- 1.5 There has been a 12% reduction in contact since 2016/17 (961 pieces of contact down to 848). A breakdown of this is shown in Appendix B.
- 1.6 Members receive a quarterly performance report within the Portfolio Holder Briefing document at Full Council. This provides a quarterly comparison of contact between the current and previous financial year. This is not calculated cumulatively and can mean there are large variances that are not representative of the final end-of-year performance. Narrative will now be introduced in the report to give members a clearer and more comprehensive explanation.
- 1.7 A monthly report is produced to measure response times for correspondence and complaints. It also measures how many complaints are progressed further than Stage 1.
- 1.8 The Council produces an Annual Report after full complaints data is available for the previous financial year. This is available for the public to view on our website at www.fenland.gov.uk/threecs.

2 The Local Government Ombudsman (LGO)

- 2.1 Customers can contact the LGO if they have made a complaint and are dissatisfied with our response(s). The LGO will only investigate complaints that have fully completed our 3Cs procedure and relate to our services. They will not investigate if:
 - The complainant has known about the issue for over 12 months but hasn't complained
 - The matter has not affected the complainant personally or caused them an injustice
 - The issue affects most people in the Fenland area
 - The complainant should have appealed or taken legal action

- The complaint is about personnel matters
- 2.2 If a customer makes contact, the LGO Assessment team will then ask us to check if the customer has completed our 3Cs process. They will ask for copies of customer contact and our responses.
- 2.3 If the Assessment team decides further investigation is needed, the complaint will be passed to a LGO investigator. They will ask further questions and ask for more information.
- 2.4 Once the investigator thinks they have got enough information to make a fair decision, they will share a draft with the Council and the complainant. Both parties then have the opportunity to comment on this decision and share further relevant information.
- 2.5 Following this, a final decision is made. Depending on complexity, this process usually takes about 26 weeks. There are 6 possible decision types:
 - Uphold the complaint and give recommendation(s) about how the organisation should put it right
 - Uphold part of the complaint
 - Uphold the complaint but not make any recommendations as the organisation has already put things right
 - Uphold the complaint but not make any recommendations as the fault has not had a significant effect on the complainant
 - Not to uphold the complaint
 - The complaint cannot or will not be investigated
- 2.6 The LGO will write to the Council and customer to explain their decisions. If the Council is at fault, they may ask us to put things right (if we haven't already). This may involve:
 - Apologising to the complainant
 - Providing a service to the complainant that they should have had
 - Making a different decision (that it should have made before)
 - Reconsidering a decision that wasn't made properly
 - Improving our procedures so similar issues don't happen again
 - Making a payment
- 2.7 The LGO does not have legal powers to force organisations to comply with their recommendations – however, most do including FDC. Their decisions are available to publically view on their website. They release an Annual Report for each authority every year.
- 2.8 The LGO states that complaint volume figures should not be used in isolation to evaluate corporate health. They suggest that 'councils consider flexible approaches to complaints that are not process driven and do not include numerous stages that require service users to deal with different people and restate their case'.
- 2.9 Between April 2017 and March 2018, the LGO received 12 complaints relating to services provided by Fenland District Council. The table in Appendix C shows the complaints that the LGO made a decision on in 2017/18.
- 2.10 Two complaints were upheld by the LGO during 2017/18, although one of these relates to a case from 2016/17. A further complaint is the subject of correspondence between the LGO and FDC. Both upheld complaints related to the Planning and Development service category. Appendix D gives a summary of these cases. We learn lessons from all types of Ombudsman contact.

2.11 Since April 2018, the Council has received 2 enquires from the LGO. Both cases are at the investigation stage.

Appendix A - 3Cs procedure by type of contact

Type of contact	Procedure
Comment	<p>A comment is a brief statement of fact or a suggestion received by a customer. It is recorded under the 3Cs process and then passed to the relevant service area for consideration. If appropriate, the service area will contact the customer directly to discuss their comment further.</p>
Compliment	<p>A compliment is a positive comment about the service received. It may refer to an individual or a wider team. A compliment is recorded under the 3Cs process and is then passed to the relevant officer or team. We can use compliments from customers to improve what we do.</p>
Correspondence	<p>Correspondence is two-way communication between a customer and the council. If its content forms a service request, it is referred directly to the appropriate service area for resolution outside of the 3Cs process.</p> <p>The majority of correspondence managed under the 3Cs system is from the MP's office and local councillors. Correspondence is acknowledged within five working days of receipt. It is passed to an appropriate officer who will respond within ten working days.</p>
Complaint	<p>A complaint is dissatisfaction with the service received from an individual, team or from the council as a whole. The complaints process can be up to three stages long. We aim to respond to complaints as soon as possible but have service standards to ensure consistent response times. Some complaints may take longer to investigate due to their complexity.</p> <p>Stage 1</p> <ul style="list-style-type: none"> - Customer contacts 3Cs - 3Cs sends an acknowledgement to the customer within 5 working days. This contains the name of the officer responding to their complaint and the deadline for response (10 working days from acknowledgement) - Officer responds directly to customer. This is stored in the 3Cs system as a Stage 1 response <p>If the customer is dissatisfied with the response, their complaint is escalated to Stage 2.</p> <p>Stage 2</p> <ul style="list-style-type: none"> - Customer receives acknowledgement within 5 working days - Complaint passed to manager of the officer who provided a Stage 1 response. The deadline for response is 10 working days from acknowledgement - Officer responds directly to customer. This is stored in the 3Cs system as a Stage 2 response <p>If the customer is dissatisfied with the response, their complaint is escalated to Stage 3. This is the final stage in the complaints process.</p> <p>Stage 3</p> <ul style="list-style-type: none"> - Customer receives acknowledgment within 5 working days

Type of contact	Procedure
	<ul style="list-style-type: none"> - Complaint passed to CMT lead for response. The deadline for response is 15 working days from acknowledgement - CMT lead responds directly to customer. They state that this is final response within our 3Cs process and give contact details for the LGO as a final course of redress. Their response is stored in the 3Cs system as a Stage 3 response.

Appendix B: Comparison of 3C's contact (2016/17 and 2017/18)

	2017/18	2016/17	Variance
Compliments	146	136	+7%
Comments	50	116	-57%
Correspondence	252	348	-28%
Complaints	400	361	+11%
TOTAL	848	961	-12%

Appendix C: LGO decisions (2017/18)

Service	Decision made	Decision	Remedy
Planning & Development	Apr 2017	Upheld (1)	Financial redress
Planning & Development	Nov 2017	Upheld (2)	None
Housing	Apr 2017	Referred back for local resolution	None
Planning & Development	Jun 2017	Closed after initial enquiries	None
Planning & Development	Apr 2017	Incomplete/Invalid	None
Benefits & Tax	Sep 2017	Closed after initial enquiries	None
Planning & Development	Jul 2017	Closed after initial enquiries	None
Benefits & Tax	Jul 2017	Referred back for local resolution	None
Planning & Development	Oct 2017	Closed after initial enquiries	None
Benefits & Tax	Jan 2018	Closed after initial enquiries	None
Planning & Development	Jan 2018	Closed after initial enquiries	None
Planning & Development	Feb 2018	Querying with the LGO	None
Planning & Development	Feb 2018	Referred back for local resolution	None
Benefits & Tax	Mar 2018	Incomplete/Invalid	None

Appendix D: Summary of LGO upheld complaints (2017/18)

Date	Case History
Apr 2017	<p>Complaint: The Council delayed taking planning enforcement action against an unauthorised change of use. This led to noise impacting on the complainant's amenity. It should be noted that the change of use occurred in 2004 but a complaint was not received until March 2013 which meant the change of use became lawful.</p> <p>Outcome: The Council apologised and paid a financial remedy (£2750) suggested by the Ombudsman.</p> <p>Learning: Performance management mechanisms have improved to ensure this type of situation doesn't happen again. Regular case reviews are now held to ensure that all open cases are progressed with appropriate speed.</p>
Nov 2017	<p>Complaint: The Council failed to properly consider the impact on the complainant's amenity when they approved a reserved matters application for a large scale housing development. The LGO concluded committee members were aware of this issue in making their decision. Committee members had made a site visit, they had before them the plans and other supporting information; and they had received a presentation from the complainant. It was not the case, therefore, that they made their decision on the basis of wrong or inadequate information. They simply did not agree that the impact on the amenity of the complainant and other neighbouring residents would be significant enough to justify refusal or amendment of the detailed scheme; so the fault made no difference to the outcome of the planning application.</p> <p>Outcome: The Council acknowledged that the officers' report did not assess the specific impact of the reserved matters proposals on the complainants property, however there were further opportunities in which the information was correctly assessed during the course of the application. Whilst the Ombudsman considered this admission as maladministration, they believed the complainant did not suffer significant injustice as a result. All faults are referred to as maladministration regardless of the scale.</p> <p>Learning: The Planning Team have learned from this judgement and discussed how Planning Committee reports can be improved to ensure all issues are covered accurately and completely to support Members to make decisions.</p>

Outstanding matter

Feb 2018	<p>Complaint: The Council drafted an inaccurate condition to a planning permission</p> <p>Outcome: The Ombudsman did not investigate the complaint as the Council had explained its error and corrected its interpretation. We were sent a confirmation stating closed; no further enquiries, however the ombudsman's annual letter referred to this as upheld. We are in correspondence with the LGO to query the difference between the confirmation received of closed; no further enquiries and the annual letter.</p> <p>Learning: When planning permission was granted for the development, a condition was put on stating that a fence needed to be put up within 2 months.</p>
----------	---

	<p>In an effort to highlight this to the applicant, a note was inserted in bold but this unfortunately stated the fence had to be put up within 1 month. The mistake was a drafting error and was not picked up during proofing. Officers have been advised not to repeat in notes any deadlines that are stated in conditions in order to reduce the risk of a similar situation arising again.</p>
--	--