


Agenda Item No:	8	
Committee:	Overview and Scrutiny	
Date:	2 September 2019	
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 13 complaints relating to Fenland District Council during 2018/19. Anyone can refer a complaint to the LGO as long as they have been through the Council's 3C's process. One complaint was upheld; although the LGO decided that while the authority did get something wrong, it offered a satisfactory way to resolve it before the complaint went to the LGO. In 2017/18 we had 3 upheld decisions.
- In 2018/19, 3Cs received 618 pieces of contact. 392 were complaints; a 2% decrease from 2017/18. 143 pieces of correspondence (43% less than in 2017/18) and 169 compliments (+16%) were received. Overall, contact through 3Cs was down by 15% 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 Steve Tierney, Portfolio Holder for Transformation & Communications
Report Originator(s)	David Wright - Policy and Communications Manager dwright@fenland.gov.uk

Contact Officer(s)	Peter Catchpole - Corporate Director David Wright - Policy and Communications Manager
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, compliments, correspondence and complaints 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 or paper 3Cs form
- Emailing 3cs@fenland.gov.uk
- Phoning our contact centre
- Visiting a Fenland @ your service shop or Community Hub
- Through their local councillor

1.3 The process for managing each type of contact is summarised in the table below:

Type of contact	Procedure
Comment	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.
Compliment	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.
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.</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

Type of contact	Procedure
	<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 • 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. <p>The next section explains the LGO process.</p>

- 1.4 Contact was 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)

Due to incorporating many frontline services, CEL has the largest volume of correspondence and complaints (84% and 58% respectively in 2018/19).

- 1.5 The table below provides a comparison of contact between 2017/18 and 2018/19:

	2018/19	2017/18	Variance
Compliments	169	146	+16%
Comments	14	50	-72%
Correspondence	143	252	-43%
Complaints	392	400	-2%
TOTAL	718	848	-15%

- 1.6 Members receive a quarterly performance report within the Portfolio Holder Briefing document. This provides a quarterly cumulative comparison of contact between the current and previous financial year.
- 1.7 A monthly report is produced to measure response times for correspondence and complaints. It also measures how many complaints are progressed past a 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.

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 (e.g a tribunal, appeal to the Planning Inspectorate)
 - The complaint is about personnel matters (e.g employment issues)
- 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 information will be passed to a LGO investigator. They will ask further questions and may request further 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 will be 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 because 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 Council's do. 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. High volumes of complaints can show that an organisation is open to learning. In contrast, low complaint volumes can show that an organisation is not receptive to user feedback. By monitoring trends and customer feedback, we are able to quickly change processes if they are not working as well as they should.
- 2.9 Between April 2018 and March 2019, the LGO received 13 complaints and made 14 decisions (1 carried over from previous year) relating to services provided by Fenland District Council. The table below shows the complaints that the LGO made a decision on in 2018/19:

Service	Decision made	Decision	Remedy
Planning & Development	Apr 2018	Not Upheld	Null
Benefits & Tax	Apr 2018	Incomplete/invalid	Null
Corporate & Other Services	Sept 2018	Closed after initial enquiries	Null
Planning & Development	Sept 2018	Advice given	Null
Environmental Services	Oct 2018	Referred back for local resolution	Null
Planning & Development	Oct 2018	Not Upheld	Null
Environmental Services	Oct 2018	Closed after initial enquiries	Null
Housing	Nov 2018	Closed after initial enquiries	Null
Corporate & Other Services	Nov 2018	Upheld	Null
Planning & Development	Jan 2019	Advice Given	Null
Corporate & Other Services	Jan 2019	Closed after initial enquiries	Null
Planning & Development	Jan 2019	Incomplete/invalid	Null
Planning & Development	Mar 2019	Not Upheld	Null
Benefits & Tax	Mar 2019	Closed after initial enquiries	Null

2.10 For any upheld decisions, the LGO carry out further investigation into whether there has been a satisfactory remedy provided by the authority. Between April 2018 and March 2019, Fenland District Council had one complaint upheld. The LGO decided that while the authority did get something wrong, it offered a satisfactory way to resolve it before the complaint went to the LGO.

2.11 The upheld complaint fell under the Corporate and Other Services category. The case is summarised below:

Date	Case History
Nov 2018	<p>Complaint: The Council's leisure centre was discriminatory and failed to make reasonable adjustments to support the complainant attending.</p> <p>Outcome: The Council did make reasonable adjustments. The Council was at fault for not having clear guidance on the carer's role for staff and customers. This has caused Mrs X minor injustice. It has remedied this by introducing a carer's card.</p>

2.12 The Council learns lessons from all Ombudsman contact and particularly for upheld cases. We review our processes to ensure they are thorough and consistent. We also thoroughly review the Ombudsman draft decision and proposed ruling carefully. This can change between the draft and final stage and has consequences for the council.

2.13 Since April 2019, the Council has not received any enquiries from the Ombudsman.