REPORT TO: FINANCE AND MANAGEMENT AGENDA ITEM: 14

DATE OF 22 June 2006 CATEGORY: DELEGATED

REPORT FROM: DIRECTOR OF CORPORATE OPEN

SERVICES

MEMBERS' PAM CARROLL (595784) DOC:

CONTACT POINT: NIGEL GLOSSOP (595703)

SUBJECT: COMPLAINTS & FREEDOM OF REF: PC/JHM

INFORMATION REQUESTS 2005/06

WARD(S) TERMS OF

AFFECTED: ALL REFERENCE: CE6

1.0 Recommendations

1.1 Members are asked to note the contents of this report.

2.0 Purpose of Report

This report provides:

- 2.1 A summary of official complaints received by the Council for the last financial year.
- 2.2 Details of further actions and improvements including promoting the process to encourage feedback from our customers.
- 2.3 A summary of the freedom of information requests received by the Council for 2005.

3.0 Executive Summary

Complaints

- 3.1 It was agreed by committee to change the complaints procedure.
- 3.2 It was agreed to adopt a two-tier system.
- 3.3 The new procedure should be renamed "Comments, Compliments and Complaints" and people should be encouraged to give informal feedback on our services.
- 3.4 As most of the complaints received in 2005/06 followed the old procedure, this report will follow the old process.
- 3.5 This is the final report based on the old procedure. The next report to committee in October will report in line with the new "Comments, Compliments and Complaints" procedure
- 3.6 There has been a further increase in the number of complaints recorded. This is due to increased internal awareness of the complaints procedure and easier access for the public.

- 3.7 A total of 33 complaints were received in 2005/06
- 3.8 It is a target within the Council's new Corporate Plan to actively promote our Comments, Compliments and Complaints procedure

Freedom of Information

- 3.9 The aim of The Freedom of Information Act 2000, which came into force on 1st January 2005, is to extend the right to allow public access to information that the Council holds.
- 3.10 South Derbyshire District Council is committed to making itself more open. A large amount of information is already available to the public, through our website or through our offices and at local libraries.
- 3.11 A total of 81 Freedom of Information requests were received in 2005.

4.0 Background

Complaints

- 4.1 It was agreed by committee on 1st September 2005 to change the complaints procedure based on the following:
 - o The existing complaints procedure is based on a four-tier system.
 - The procedure is purely aimed at Complaints and doesn't encourage any positive feedback or informal comments
 - The current procedure does not meet the recommendations of the Local Government Ombudsman.
- 4.2 The following changes were approved:
 - o In line with the recommendations from the Local Government Ombudsman, we adopt a two-tier system.
 - The new procedure should be renamed "Comments, Compliments and Complaints" and people should be encouraged to give informal feedback on our services
 - Dissolve the Councillor's Complaints Panel that is currently not utilised in favour of an earlier referral to the Ombudsman
- 4.3 As most of the complaints received in 2005/06 followed the old procedure, this report will follow the old process.
- 4.4 This is the final report based on the old procedure. The next report to committee in October will report in line with the new "Comments, Compliments and Complaints" procedure

5.0 Detail

Complaints

5.1 The table below compares the official complaints received for the last full financial year against the previous financial year.

	01 April 2004 to 31 March 2005	01 April 2005 to 31 March 2006
Number received	30	33
Resolved at Stage 1	20	23
Stage 1 still ongoing	2	0
Resolved at Stage 2	1	6
Stage 2 still ongoing	2	0
Resolved by Ombudsman	3	2
Ombudsman – ongoing	2	2

5.2 The 33 complaints received can be broken down as follows

Division	01 April 2004 to 31 March 2005	01 April 2005 to 31 March 2006
Planning Services	13*	10*
Housing	13	12
Revenue Services	1	4
Environmental Services	3	1
Legal and Democratic	0	4*
Leisure and Community	0	3
General	1	0

^{*}This indicates where one complaint has been referred to two separate departments

5.3 Referrals to the Ombudsman are detailed in the table below:

Financial year	Date	Department	Ombudsman's Decision
2005/06	20.05.06	Revenue Services	Closed by Ombudsman due to lack of response from complainant
	05.08.05	Housing	Ongoing
	10.10.05	Housing	Ongoing

11.10.05	Planning	No evidence of maladministration
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5.4 The schedule, giving details of the complaints received, actions taken and improvements made is attached at **Appendix A.**

Complaints Summary

- 5.5 There has been a further increase in the number of complaints recorded. This is due to increased internal awareness of the complaints procedure and easier access for the public.
- 5.6 A total of 33 complaints were received of which:
 - o 23 were resolved at stage 1
 - o 6 resolved at stage 2
 - o 2 resolved by Ombudsman
 - o 2 still ongoing with Ombudsman

New Comments, Compliments and Complaints Procedure

- 5.7 It is a target within the Council's new Corporate Plan to actively promote our Comments, Compliments and Complaints procedure which includes:
 - Publicity campaign
 - o Twice yearly reporting along with planned improvements and
 - Feedback provided to local people
- 5.8 The new Comments, Compliments and Complaints procedure is being promoted in the next edition of "The News".
- 5.9 The customer leaflet and procedure is available for download from the Website, or can be completed using an electronic form.
- 5.10 As part of the revised procedure questionnaires are now being sent out to our customers following the conclusion of a complaint. This will report on the satisfaction levels of how complaints are handled.
- 5.11 A questionnaire is sent to each Head of Service following a complaint. This will give details of actions taken and improvements made as a consequence of a complaint.
- 5.12 An improvement report will be produced on a quarterly basis and presented at the Corporate Improvement Group for discussion with Heads f Service and CMT. It will also be included in the complaints report that is presented to this committee twice yearly.
- 5.13 We are currently investigating the options for training key members of staff in investigating complaints.

Freedom of Information Requests

5.9 Although the Freedom of Information Act 2000 creates a general right of access to

information, it also sets out information which we do not have to make available for specific reasons. This is information which, if published, might prejudice the health, safety or security of the Council, our staff, systems, services or property.

- 5.10 We make as much information available as possible without charging for it.

 We do however reserve the right to levy a reasonable charge where the information request is extensive and would require more than 2 days staff time to satisfy the request.
- 5.11 The Council deals with hundreds of routine requests for information every day by phone and by letter. These are referred to as "business as usual requests". We will deal with these in the normal way. However, information that is not readily available and that has to be prepared or extracted, is handled differently. We are entitled to make a charge for this kind of information.
- 5.12 Requests for information under FOI have to be processed within 20 working days. If we turn down a request for information we must have an acceptable reason under FOI.
- 5.13 The table below compares the freedom of information requests received from Jan-March 2006 against the previous year.

	01 January 2005 to 31 December 2005	01 January 2006 to 31 March 2006
Number received	81	19
No replied to within 20 statutory days	78	18
Number of Exemptions or partial exemptions	7	0
Number withdrawn	2	0

5.14 The requests for information received can be broken down as follows

Division	01 January 2005 to 31 December 2006	01 January 2006 to 31 March 2006		
Environmental Services	25*	7*		
Planning Services	17*	0		
Legal and Democratic	13	5		
FOI/Data Protection Officer	8	0		
Finance and Property	8*	1		
IT and Customer Services	5	1		
Housing	4*	2*		
Human Resources	4*	1		
Leisure and Community	2	2		
Revenue Services	1*	1		
Policy and Economic Regeneration	1	0		

^{*}Same request has involved several divisions

5.15 The details of the Freedom of Information requests received in 2005 are attached at **Appendix B.**

6.0 Financial Implications

6.1 None directly stemming from this report.

7.0 Background Papers

None

Complaints Schedule - April 2005 - March 2006

APPENDIX A

Date	Ref No	Ward	Division	Subject	Resultant Action taken
22.04.05	126	Newhall	Housing	Failure to reply to correspondence and failure to deal properly with complaint Housing and Legal	Ongoing (2 nd stage)
22.04.05	127	Swadlincote	Planning	Inspection of foundations to extension carried out by Building Inspector	Ongoing (2 nd stage)
09.05.05	128	Newhall	Housing	Demolition of washing line pole	Washing pole re-erected
20.05.05	129 OC	Church Gresley	Revenue Services	Investigation unit of Revenue Services	Referred to Ombudsman who closed the complaint due to lack of response from complainant
25.05.05	130	Hilton	Legal and Democratic Services	Standard of polling station at Peacroft Lane, Hilton for General Election	Presiding officer removed from list of further appointments
09.06.05	131	Etwall	Planning Services	Planning permission re Former Goods Yard, Etwall Road, Egginton	None

Date	Ref No	Ward	Division	Subject	Resultant Action taken
23.06.05	132	Linton	Revenue Services	Direct Debit payment for Council Tax	Ongoing (2 nd stage)
06.07.05	133	Shardlow	Environmental Services	Work mobile number disclosed to applicant without permission	Introduced steps to ensure such an error cannot happen in future.
07.07.05	134	Stenson Fields	Leisure and Community Development	Overhanging trees – Wragley Way	No action taken following advice from specialists.
25.7.05	135	Etwall	Planning Services	Planning Permission at Staker Flatt Farm	Ongoing (2 nd stage)
05.08.05	136	Swadlincote	Housing	Request for security door to flats	Ongoing (Ombudsman)
08.08.05	137	Midway	Housing	Repairs to gas central heating and flooding	Repairs carried out and £25 decoration cheque issued.
08.08.05	138	Castle Gresley	Housing	Refusal for request for new front door	Door to be fitted within 4 months according to planned improvement policy
09.08.05	139	Newhall	Housing	Condition of side entrance to property following a fall and request for a bath to be fitted	Paving to be renewed. Referred to Social Services re bath
19.08.05	140	Newhall	Legal and Democratic Services	Legal Dept acting on 'Hear Say' without investigation or cause	Letter of apology

Date	Ref No	Ward	Division	Subject	Resultant Action taken
06.08.05	141	Swadlincote	Planning Services	Member of staff in Planning Services	Staff attend Customer Care training
19.09.05	142	Newhall	Housing	Letter concerning Mr X of Newhall received from Housing	Ongoing (2 nd stage)
04.10.05	143	Hilton	Revenue Services	Problems with E-form re Council Tax	Amended with immediate effect
05.10.05	144	Etwall	Planning Services	Planning permission granted to build 25 dwellings to south of Hilton Road, Etwall	Letter of explanation re planning approval procedure
01.09.05	145	Swadlincote	Legal and Democratic Services	Anti-social behaviour order application	Recruitment of additional member of staff within Legal to address capacity issue.
27.09.05	146	Midway	Housing	Condition of roof of his house	No action.
10.10.05	147	Newhall	Leisure and Community Development	Overhanging trees outside property	Trees cut back.
10.10.05	148	Hilton	Housing	Dispute re neighbours at No 46	Ongoing (Ombudsman)
17.10.05	149	Etwall	Planning Services	Planning permission granted to build 25 dwellings to south of Hilton Road, Etwall	Letter of explanation re planning approval procedure
11.10.06	150	Castle Gresley	Planning Services	Planning permission re erection of 23 dwellings at Castle Glade	Rejected by Ombudsman

				Commerce, Castle Road, Castle Gresley	
21.11.05	151	Findern	Planning Services	Access to information on Web-site	Letter of explanation sent

FOI Requests - January 2005 - December 2006

APPENDIX B

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
1569	Planning	Land adjoining Avenue Farm, Elvaston	12.01.05	08.02.05	27.01.05	Section 40
1587	Planning	Copies of all correspondence regarding potential for development of Pear Tree Farm	20.01.05	10.02.05	21.01.05	None
1608	Leisure & Community	Detail of Swimming pools	22.01.05	16.02.05	15.02.05	None
1610	Democratic S Env Services Housing	Details of current motor vehicles owned by SDDC and vehicles sold	23.01.05	16.02.05	15.02.05	None
1690	Env Services	Details of all food premises which SDDC has taken formal action against	07.02.05	08.03.05	03.03.05	None
1756	Data Protection Officer	Golden handshakes, MT's expenses, consultation fee for possible sell-off of Council houses, cost of retaining houses, cost of external consultants, correspondence between SDDC and Lottery re Town Hall, cost of flood damage repairs in Hilton, Hatton, copy of CE's diary, emergency plan, no of FOI requests and sickness	09.02.05	.8.03.05	07.03.05	None
1882	Env Health	List of cooling towers	10.02.05	09.03.05	08.03.05	None
1755	Legal	Personnel and structure of Legal Dept	15.02.05	14.03.05	16.02.05	None
1759	Data Protection Officer/IT	Database of electronic document and records management	16.02.05	15.03.05	16.02.05	None
1781	Planning	Minutes of Planning Cttee meetings on 24.05.88 and 08.08.89 and noise consultants report May 1989	17.02.05	18.03.05	11.03.05	None

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
1829	Env Services	Refuse Collection, Recycling and Street Cleansing contracts	21.02.05	18.03.05	02.03.05	None
1992	Env Health	Food Safety Regulations and Food Safety Act re Wallfield House, Findern	28.02.05	29.03.05	29.03.05	None
1838	FOI Officer	Information management of FOI requests	01.01.05/0 1.03.05	30.03.05	01.03.05	None
1847	Legal	Minutes of Hsg and Community Services mtgs 06.02.05 and 17.07.03 and Housing Local Liaison Group mtgs Jan – Apr 2003	02.03.05		04.03.05	None
1874	Legal	As above plus code of conduct and legal qualifications	07.03.02	01.04.05	21.03.05	None
1873	FOI Officer	No of FOI requests	07.03.05	01.04.05	08.03.05	None
1902	FOI Officer	Training budgets, IT dept structure	10.03.05	06.04.05	11.03.05	None
1915	Env Health	Exotic animals – DWA licenses etc	11.03.05	11.04.05	04.04.05	None
1949	FOI Officer	Details of complainant			11.03.05	Data Protection
1993	FOI Officer	Details of People's Express Project	14.03.05	19.04.05	29.03.05	None
1994	Planning	Details relating to planning application	20.03.05	20.04.05	12.04.05	None
1981	Legal	Local Land Charges	18.03.05	22.04.05	15.04.05	None
2210	Finance	Total budget, IT budget and no of employees	08.04.05	09.05.05	15.04.05	None
2211	Legal	Guidance for Local Authorities and Personal Searches	12.04.05	10.05.05	06.05.05	None
2276	Planning	Request to view Council's enforcement files	18.04.05	17.05.05	03.05.05	Section 30
2443	Env Health	List of cooling towers	26.04.05	26.05.05	25.05.05	None

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
2454	Planning	Reports and background papers for prep of committees, copy of local plan relevant section	04.05.05	01.06.05	Fee never rec'd so not sent	
2539	Env Health	List of cooling towers	04.05.05	01.06.05	25.05.05	None
2582	Env Services Housing Personnel	Interaction of Councils with private sector: Contracts, partnering arrangements Streetscene/highways and Housing stock/property services	09.05.05	06.06.05	03.06.05	None
2583	Legal	Land Charges – staffing – duplicated 2680	11.05.05	08.06.05	10.06.05	Partly Section 43
2584	Legal	NLIS Forum	09.05.05	08.06.05	08.06.06	None
2677	Finance Housing Env Services	Estates/facilities officers and depts. Maintenance officers and depts. Energy managers Architects	13.05.05	10.06.05	13.05.05	None
2678	FOI Officer	Details of CE, Finance Director and IT Director	13.05.05	10.06.05	18.05.05	None
2680	Legal	Land Charges – staffing – duplicated 2583	10.06.05	10.06.05	10.06.06	Partly Section 43
2741	Env Services	Questionnaire re abandoned vehicles	18.05.05	15.06.06	06.06.05	None
2803	Env Services	List of cooling towers	24.05.05	21.06.05	08.06.05	None
2829	Env Services	List of schools inspected by food inspectors Since Nov 04 Copies of food inspection reports in schools since Nov 04 Copies of correspondence relating to above since Nov 04	26.05.05	23.06.05	21.06.05	None
2888	Chief Exec/Legal	Information re twinning	01.06.05	15.06.05	14.06.05	None

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
3030	Env Services	Waste Management/recycling/street cleansing contracts	08.06.05	05.07.06	05.07.05	None
3046	Env Health	Details of zoos in area	15.06.05	12.07.05	11.07.05	none
3384	Planning	Information concerning Planning Enforcement Section	30.06.05	28.07.05	12.07.05	None
4041	Planning	Information concerning Planning application 9-2001-1230	28.07.05	23.08.05	02.08.05	None
4357	Community and Leisure	Information regarding Pay on Foot car parks	08.08.05	05.09.05	30.08.05	None
4411	Legal	Restrictions on Personal Searchers to 3 per visit	08.08.05	02.09.05	02.09.05	None
4359	Env Health	Information re pet shop licences held by zoological gardens or animal sanctuaries – current and within last 5 years.	12.08.05	12.09.05	30.08.05	None
4360	Planning	Information on outstanding Section 106 agreements – including details	19.08.05	16.09.05	16.09.05	None
4367	Env Health	Details of documents relating to conviction under H & S at Work Act 1974	19.08.05	16.09.05	16.09.05	None
4361	Finance	Information re consultants fees since 01.01.03 – including details	23.08.05	21.09.05	21.09.05	None
4362	HR	Information re agency labour/temporary worker contracts	24.08.05	21.09.05	16.09.05	None
4363	Finance	Details of Financial system run by SDDC	24.08.05	21.09.05	24.08.05	None
4365	Planning	Information re future use of Drakelow Power Station	26.08.05	23.09.05	Awaiting fee	
4368	Planning	Details of a recent feasibility study conducted into the future of Bretby Art Pottery Site	31.08.05	27.09.05	14.09.05	None
4441	Planning	Details of planning applications/listed building consents re 493 Burton Road, Midway	05.09.05	30.09.05	30.09.05	None
4611	Finance	Insurance details of Council owned vehicles	06.09.05	03.10.05	29.09.05	None
4612	Environmen tal Services	Details of recycling	08.09.05	05.10.05	29.09.05	None
4613	Planning	Details of Planning application	13.09.05	10.10.05	19.09.05	None
4869	Env Health	Reports of inspections of food safety conducted in schools in the last 12 months	14.09.05	11.10.05	10.10.05	
4870	Env Health	List of shops selling ornamental fish	29.09.05	26.10.05	10.10.05	

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
5022	Revenue Properties Housing	Listings of empty properties, both private and commercial	05.10.05	02.11.05	27.10.05	Exempt Sections 44, 40 and 31
5023	Planning	Identity of person who made telephone complaint	04.10.05	01.11.05	21.10.05	Exempt Part II, sections 30 and 31
5024	Planning	Details of mobile phone masts in South Derbyshire	11.10.05	08.11.05	26.10.05	
5192	IT	Asset list setting out information which is available for re- use. Procedures in place and charges. Where licence regime is operated	14.10.04	10.11.05	27.10.05	
5193	Planning	Background papers relating to Tree Preservation Order No 252	13.10.05	09.11.05	04.11.05	
5194	Finance	Information relating to invoice processing	13.10.05	09.11.05	26.10.05	
5197	Env Health	List of scrap metal operators	17.10.05	11.11.05	07.11.05	
5328	Finance	Details of Council's insurers and extent of cover in respect of Competition Legislation	24.10.05	18.11.05	18.11.05	
5637	IT	Information re Webmaster post	10.11.05	07.12.05	11.11.05	
5638	Policy and Regeneratio n	e-mail details of lead officers	14.11.05	09.12.05	21.11.05	Publication list
5639	Planning	Details of proposed preferred route for 3 rd crossing over River Trent	18.11.05	15.12.05	21.11.05	
5640	Env Health	Details and results of studies re problem of Low Frequency Noise	18.11.05	15.12.05	21.11.05	
5641	Env Health	Food inspection reports carried out at school kitchens since Oct 2004	18.11.05	15.12.05	09.12.05	
5712	Legal	Information relating to how legal advise is provided to Council	22.11.05	19.12.05	15.12.05	
5713	Env Health	List of cooling towers	21.11.05	15.12.05	09.12.05	
5927	Customer Services	Management and Financial structure, particularly Revenues, Benefits and Housing	24.11.05	21.12.05	16.12.05	

Ref No	Dept	Request	Received	Reply Due	Reply Sent	Exemption
5928	Env Health	Section 46 Funeral Arrangements	25.11.05	22.12.05	16.12.05	
6200	Customer	Contact details for Chief Exec, Directors and Heads of	07.12.05	11.01.06	15.12.05	
	Services	Service				
6201	Revenue	Information re external bailiffs and Road Traffic Act 1991	07.12.05	11.01.06	04.01.06	
6380	Env Health	Cooling Tower Register	14.12.05	18.01.06	23.12.05	
6382	Legal	Property Search Group	15.12.05	19.01.06	04.01.06	
6383	HR	Information re shortlisting for Corporate Procurement	17.12.05	23.01.06	23.12.05	
		Manager				
6384	IT	Information Management Solutions	20.12.05	24.01.06	04.01.06	