

Corporate Customer Standards Annual Report 2017-18

1: Purpose of report

To update Corporate Governance and Audit Committee about complaint performance during the previous financial year. As we began to do during the 2017-18 year we also consider an interim complaints report halfway through the year.

The report is informed by the Local Government Ombudsman Annual Report which is published early in July, and also incorporates information about third stage complaints handling, some key examples of learning and a summary of the Whistleblowing concerns that have been received.

2: Background processes

[Appendix 1](#) contains details of the council's complaint processes.

3: Complaint Statistics – how is Kirklees performing?

Ombudsman Formal Report

The ultimate sanction that the Local Government Ombudsman can apply is to issue a formal report against a council. These are usually issued where a matter is very serious and the council clearly has a number of process issues to consider and resolve, where there is a public interest in matters and learning can be shared with other councils, or where the council clearly has not reflected or changed its procedures after issues had been highlighted in the past.

Once again in 2017-18, no formal Ombudsman Reports were recorded against Kirklees Council. At the time of preparing this report, the council has been advised of a pending formal report which will be issued against it shortly. The Corporate Customer Standards Officer will report on the findings during the next interim report to Corporate Governance and Audit Committee in approximately 6 months' time (unless the Ombudsman should specify different action). The service in question have accepted the comments and advice of the Local Government Ombudsman.

There were 13 upheld complaints by the Ombudsman (2016/17: 16 cases). It is worth noting that the Ombudsman made a procedural error in two cases that had been originally determined in 2016/17 and reissued their decision the following year. Without this Ombudsman error, the figures would have been 18 upheld cases in 2016/17 and 11 upheld cases in 2017/18. Details of the upheld complaints are provided in [Appendix 2](#) with the summary of the case provided by the Ombudsman.

Complaint Volumes

[Appendix 3](#) contains historical comparison data regarding the number of complaints received both at third stage and at Ombudsman.

These indicate that the number of third stage complaints and Ombudsman complaints received have been at a consistent level over recent years and during the

year 2017-18 numbers are in slight decline (although it must be noted the numbers are not statistically significant).

The corporate customer standards section have been involved with over 700 cases this year. This includes giving advice about complaints handling, looking at resolving complaints, co-ordinating replies between services and ensuring complaint responses are collated. The numbers considered by the section has increased considerably over recent years (and continues to – it was 650 last year), and perhaps this assists with ensuring that third stage and Ombudsman complaints have not increased.

[Appendix 4](#) contains a comparison of the numbers of complaints received by the Ombudsman from Kirklees residents in comparison with those presented by West Yorkshire residents.

The proportion of Kirklees residents in West Yorkshire is approximately 19% of the population whereas the proportion of West Yorkshire complaints are consistently below this percentage (2017-18: 17%). This means the Ombudsman receives fewer complaints from Kirklees residents than might be expected by population.

A strong caveat around making simple assumptions about numbers of complaints received must be stated. There are a number of factors that can impact upon complaint numbers received. These include:

- The overall numbers involved is but a very small percentage of the overall resident contacts that the council receives. A small change in the number of complaints recorded can alter the picture considerably.
- Some complaints are not recorded as such because there is a formal appeals process for that particular situation, and some resident concerns are classed as requests for service. We try to mitigate against this by being consistent, using a broad definition of what a complaint is.
- Changes in procedures and interest in areas over time can impact upon complaints received (for example the introduction of proactive littering charges, waste tip permits, increased economic activity might be expected to increase planning complaint volumes).
- A low expectation on outcomes, staff hiding the complaints process, and delay might contribute to depressing complaint numbers.

We try to mitigate against some of these issues through:

- Taking complaints seriously and ensuring responses clearly set out what the decision was and why it was made.
- Always publicising the complaints process by highlighting the next stage that the resident can take
- Ensuring we recognise the positive value of independent review of the Ombudsman and co-operating with the Ombudsman and encouraging a learning culture from complaint handling.

Another helpful measure to identify whether complaint handling makes a difference to the complainant is to measure the proportion of upheld complaints. Again, in Kirklees the position is slightly better than average.

This year, the Local Government Ombudsman determined that of the cases where they undertook a detailed investigation that 57% of the cases were upheld. Kirklees Council performed slightly better than average at 52%. In West Yorkshire Bradford, Calderdale and Leeds had a higher proportion of upheld cases, whereas Wakefield had only 7% of cases upheld.

Taking all the cases the Ombudsman received from the council where they undertook some complaint scrutiny and removing the 2 adverse outcomes that had originally been determined in 2016/17 and reintroduced in 2017/18 because of Ombudsman procedural error, 25% of the cases considered (11 from 44) were upheld. This is a similar outcome to the proportion of cases upheld at third stage of the complaints process, where there is a broad consistency with previous years in that around 20% of cases investigated led to some change in the outcome for the resident, or where a fault was identified.

We have identified that a large number of upheld cases relate to Adults Services; while we might anticipate a higher number of concerns because of the value of the service to users, we have introduced a particular focus on learning from Adult Service complaints which is detailed below as part of the spotlight on learning.

[Appendix 3](#) shows the numbers of specific Service Area complaints for the number of third stage complaints received

While the above caveats about volumes are relevant, there is a value in monitoring changes in different service area volumes. In terms of service volumes, Kirklees figures for individual services do not appear to deviate significantly from West Yorkshire averages.

Adults and Childrens (incorporating SEN) services are higher than average, and these are discussed later in this report. Highways and Transport has a significantly lower than average figure, and we will investigate the reason for this the over coming months to see whether further learning can be found. We intend to report back on this area in the interim report to Corporate Governance and Audit Committee.

4: Learning from complaints handling

There are numerous learning points to be obtained from individual complaint handling; many of them relate to communication, and individual staff learning. However, there are some useful examples of learning in the following four service area examples.

Spotlight 1: Learning from footpath/Public Rights of Way Complaints

Footpath and public rights of way management is a service area with a risk for disagreement and conflict to arise. Irrespective of the conclusion the council reaches there will often be a dissatisfied party.

Landowners may become frustrated by inconsiderate users and they may fail to appreciate the importance of maintaining a specific route along its original line and obtaining permission for any changes to it, including new stiles and gates across the route (which are officially considered to be obstructions). Many route descriptions are historic and various challenges can arise. Meanwhile route users and hikers have a long tradition of defending and claiming rights of way and challenging any perceived threat to a route.

The legislation around the council's responsibility to ensure that public rights of way are free from obstruction is largely unambiguous, and the council holds a responsibility to act against an obstruction, blockage or unauthorised diversion, and it has the right to clear a route and recharge for the cost of any such works.

We have dealt with a number of footpath complaints where there has been a common theme where a pragmatic approach has been attempted or an extended period for improvement allowed, but it has not ultimately satisfied the landowner and/or users of the routes and the approach of the council has been challenged.

Following the reductions in service after the changes to the council's budget, there has been a reorganisation of services meaning that both the staff who administer the footpath scheme and those who deal with clearing obstruction and maintenance for Public Rights of Way are now managed by the same department. The learning from complaint handling, review of processes and the opportunity to apply a consistent approach throughout the PROW process has enabled the service to move towards a more consistent approach to be adopted to PROW management which enables the appropriate legislation to be followed more efficiently and effectively.

To further strengthen the process, a procedure is being developed by the service to ensure various processes take place to ensure that landowners are given timely advice about their responsibilities when issues are presented, and informed about the role of the council and its intention to recharge for any works that are incurred. This should help reduce any ambiguity and doubt for landowners in future.

The council will be seeking to adopt a consistent approach about recharging those residents who obstruct and block routes for works for them to be cleared. As well as ensuring the cost of reopening routes does not become a consideration or burden for the council or the taxpayer, the recharging mechanism will act as a deterrent to other landowners attempting any similar obstruction of a route.

Spotlight 2: Embedding learning and complaints handling into Adult Services

We identified that the Local Government Ombudsman was receiving an increased number of complaints and we also had a number of new managers to Adults Service. This made it less easy to ensure continuity in the service we were providing for more complex issues, and there was a risk that we may reduce the consistency of decision making as managers had different backgrounds and experiences.

The Local Government Ombudsman was critical of the timescales that it was taking the service to respond to complaint matters, which had arisen because managers

were unfamiliar with particular cases and how matters had been dealt with in the past.

To improve the situation, the Service Director proposed that we arrange a regular monthly meeting whereby complaints issues and learning could be discussed and shared amongst senior managers. This would ensure that the service now had a consistent approach to dealing with similar issues that presented, and also that learning would be discussed and shared widely throughout the service area. We also discuss other cases across the country that the Local Government Ombudsman has considered. For co-ordination purposes the senior manager from Client Financial Affairs also attends the meeting. The learning from complaint handling now more consistently feeds into the decision making process, together with more traditional methods of user feedback, internal review and public consultation processes.

We have already identified a number of care areas where improvements can be made:

We identified there was an inconsistency over where discretion was used in relation to a number of areas, including Disability Related Expenditure. We identified a principle where there had to be a practical evaluation of the individual circumstances to determine whether allowances for additional expenditure might be needed and to take a pragmatic approach. An example might be around a need for specialist clothing and a balance between what was a cost effective purchase of clothing rather than one that was a personal preference, and whether this incurred an additional expense. Guidance around support with domestic tasks and DRE considerations was also developed which incorporated learning from complaints together with other considerations.

Likewise, we have discussed the complexity where a family member becomes eligible to receive a direct payment to provide care and support. This has resulted in a Positive Risk Assessment Tool being implemented to support transparent decision making.

We have also identified issues with progression on particularly complex cases and this has enabled us to respond to matters in a faster and more responsive way, often agreeing innovative approaches to support satisfactory remedy.

Spotlight 3: Improving the SEN experience

Service Managers have identified an increased number of complaints from parents of children who require additional educational support. In particular, there have been concerns around timeliness of achieving assessments and reviews, and in procuring the identified support. The Local Government Ombudsman has criticised the council in a number of cases, and recommended the council pay compensation to a small number of parents, and the experience has left some parents concerned about the future support of their children.

The service recognise that parents often have a lot of issues to contend with, we do not want to feel that we are part of the problem, and we want to work with parents

actively to help provide the solution to help maximise their child's educational potential.

The service proposed a number of changes to Members including around reviewing staffing numbers, arranging a monitoring system to ensure reviews are undertaken in a timely way, and service support provision is monitored, quality assured and checked to ensure the agreed support is appropriate.

The council has agreed to increase annual funding by a substantial amount of approximately £500,000 a year to enable a review of the team structure to take place. This will ensure the level of service and support provided in the future improves so it is timely both in terms of assessment of need and in provision of service and to the standard that officers would want to offer parents.

Spotlight 4: Review of Planning Enforcement Matters.

At a previous CGAC meeting one of the Councillors expressed a concern that planning enforcement matters were perhaps not being considered in the best way. As a result we have conducted some research into the complaints that have been investigated at third stage and Ombudsman over the past two years. We are also aware service managers are finalizing an updated Development Management Planning Enforcement strategy which will have an impact upon how the planning enforcement team consider some matters.

The legislation on the area allows the council to use its discretion to take action if it appears to be in the public interest to do so. This means that decision making is more subjective than in some other areas the council deals with and it makes it more open to criticism.

The Local Government Ombudsman sets out the situation to be:

Its statutory duty is to consider the situation. It has powers to take action but it has no duty to do so. Its duty is to consider whether further action would be appropriate. The statutory test it must apply is set out in The Town and Country Planning Act 1990, section 172. This says the local planning authority may issue an enforcement notice where:

- "it appears to it there has been a breach of planning control; **and**
- it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations."

The National Planning Policy Framework offers further guidance. It says:

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control."

“Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area.”

The Council’s local enforcement plan echoes national guidance and is published on the Council’s website.

One feature of the complaints reviewed at third stage is that they fairly regularly relate to neighbours who have some kind of ongoing dispute. While the council has to consider the impact of the issue raised, it also has to take care to ensure it is not used as a tool in such a dispute, and a refusal to become involved can create further frustration for the complainant because of this added context.

One of the examples related to a situation where a resident sought to contrast a decision made on a proposed development on their own property which was refused, and the development on a neighbouring property, despite other fundamental differences between the two sites (not least the planning proposal of the complainant was to develop into green belt land).

There are also examples where the planning enforcement department has been accused of being too heavy handed in its approach towards enforcement. One case was in relation to a business where the business owner was frustrated by the extent of the controls placed upon his business. Another was a complaint against the court action that the planning enforcement section had taken against him to remove an unauthorised development.

When we consider the cases that progressed to the Local Government Ombudsman, the Ombudsman consistently confirmed that the service appeared to have considered all the things that might be expected. They did not find fault on any of the cases investigated.

There was some consistency in the complaints received. Some residents expressed some concern about the conversations that planning enforcement officers had held either with themselves or with neighbours. Residents did not appreciate making a complaint to the council and then find neighbours being given advice about the situation which perhaps did not favour their own position. Our officers have the responsibility to offer fair advice to all residents, and the nature of the work meant that residents often spoke to staff during visits.

We also identified that planning enforcement officers were sometimes put on the spot during a visit which meant they responded without the benefit of considering how they would put their view that they would not formally progress action. This then prompted complaint.

There are also inevitably some concerns about delay; this is an area of work that requires a scheduled visit and in any small section peaks of work can be difficult to manage. Such issues are raised with the service.

Planning Enforcement Statistics

Year	Registered Investigations	Formal Notices Issued	No of Service Complaints at Third Stage	Upheld Service Complaints	Onto Omb	Complaints about “too much” enforcement
16/17	577	20	4	0	1	1
17/18	541	29	5	0	2	1

Planning Enforcement Comparator (Sample Equally Populated Districts)

Authority	Population (approx.)	2017/2018 Notices Issued*
Kirklees	440K	29
Bristol	460K	23
East Yorkshire	340K	26
Wakefield	340K	9
Coventry	360K	16
Leicester	350K	13
Cheshire East	380K	18
Calderdale	230K	5 (added for local comparison, but a much smaller council)

- Government Table P130 (Live Tables on Planning Statistics)

5: Changing procedures and policies

We have been continuing to work on ensuring the relationship between residents and officers remain cordial and constructive. We will tackle any complaint received about inappropriate contact from officers, and likewise we continue to offer support and advice to residents who become frustrated with officer decisions.

It is important to highlight that officer decisions are formed on the basis of government legislation and council policy, and it is not often where an officer is allowed complete discretion to make a decision on a matter. Unfortunately residents can become very frustrated over an adverse decision and can personalise their complaint by making critical comment about the individual staff member. Behaviours can include:

- Attempting to belittle or damage the staff member by sharing criticism or making speculation about motivation with a large number of managers and councillors.
- Making adverse comment on personal social media pages
- Making strong comments of criticism to the officer themselves

Unfortunately such comment is unhelpful and can be distracting to handling and responding to the complaint itself. If there is a legitimate complaint against an individual that can be passed to the line manager separately, but it is often a different matter to investigating the actual decision itself (which can usually be settled by comparing the circumstances to the policy and legislation).

It was felt helpful to include some guidance on this matter to supplement the information and policy already available in relation to unreasonably persistent complainants, and the reasonable behaviour policy reported to Cabinet and Council in the recent past.

[Appendix 6](#) is an advice document to be included to the complaints procedure.

Collecting statistical information from surveys

We have decided to stop collecting feedback from complaint handling for a period. We would need to consider what advice we are giving residents about how we are using complaints data to continue this work.

We had collected approximately 3 years' worth of data which showed a strong correlation between outcomes and satisfaction. Likewise, a referral to the Local Government Ombudsman gives some feedback about perceived shortfalls in the response prepared. It will be worth returning to obtaining such information should our approach to complaint handling alter substantively in future.

7: Whistleblowing Concerns

The Head of Risk and the Corporate Customer Standards Officer investigate those cases directly reported to the Whistleblowing telephone line and email address. Other Whistleblowing investigations may take place through issues reported to the HR section or direct to the Audit section (which are recorded outside of this process).

It is worth noting that many of the cases received fall outside of the technical definition of a Whistleblowing complaint (the legislation seeks to protect internal staff if they "whistle-blow") and many concerns arrive from members of the public.

Most Whistleblowing complaints received relate to an abuse of power, be they accusations of bullying and harassment, timesheet or annual leave irregularities or accusation of financial fraud. Some Whistleblowing complaints may be comparatively easy to resolve or prove (for example, checking whether a tracked Council vehicle was being used to transport children to school), others are much more general in nature and may straddle across the Council and other organisations responsibilities (for example, a general comment of corruption against a group given part Council funding for a specific project).

The Whistleblowing procedures require the Head of Risk and Corporate Customer Standards Officer to assess the issue raised and agree a course of investigative action.

Given the nature of the complaint, many reviews are undertaken substantively by Internal Audit and/or HR. Outcomes can include disciplinary or even criminal action against employees and a review of procedures to ensure that they minimise the risk of undetected wrongdoing.

Services are reminded that employee whistle-blowers are legally protected from persecution and that they should play their part to ensure that reviews are impartial and that concerns are reasonably considered.

Whistleblowing issues may be referred to the Corporate Governance and Audit Committee or to Scrutiny for their consideration. Those investigated by internal audit are reported as a part of other reporting mechanisms to Corporate Governance and Audit Committee.

Whistleblowing contact details remain confidential at all times.

During the year 2017-18, 18 Whistleblowing referrals were received via either the Whistleblowing e-mail address (www.whistleblowing@kirklees.gov.uk) or telephone (01484 225030).

There has been a slight increase in the number of referrals from last year. We find that service change and service review can naturally increase staff anxiety and we often receive concerns from service areas subject to review. Appendix 7 provides a summary of the Whistleblowing concerns that were considered through the process this year.

Appendix 1

Recap of the Council's Complaints Procedure

The council's complaint process for 2017-18 has three internal stages.

First stage – the complainant initially contacts the council to express dissatisfaction about the service they have received. Many of these complaints are resolved by front line staff immediately, as errors are spotted corrected and an apology offered, or an explanation is given to explain the situation to justify why the situation is accurate.

Second stage – this is where the complainant remains dissatisfied and the complaint is referred to a senior manager within the appropriate service to consider.

Third stage – the Corporate Customer Standards Officer will review the actions taken by the service on behalf of the Council and Chief Executive and consider whether anything further can be done to resolve the complaint. The Local Government Ombudsman requires the council to give the complaint a final review before they may become involved with it.

Some complaints do not progress through the council's complaints procedure; these are usually complaints where a formal review process applies such as complaints relating to Childrens and Adults Services and Housing Benefit assessment complaints. The Ombudsman will consider some complaints before third stage review if they are considered urgent (for example school admission appeals).

Complaint stages are sometimes merged depending on the type of complaint received so as to ensure matters are dealt with appropriately and to ensure the complainant can progress to the Ombudsman as quickly as possible if matters have been dealt with.

[Return to Background Processes](#)

Appendix 2

Local Government Ombudsman 2017-18 Upheld Decisions

Reference And Service	Details	Remedy
<p>15008723</p> <p>Adult Care Services</p>	<p>There are some faults by the Council in its safeguarding investigation of allegations made by the complainants' late uncle and in the way the Council responded to the complainants' concerns. The Council has accepted the Ombudsman's recommended actions to remedy the resulting injustice caused by its faults.</p>	<p>Apology, Procedure or policy change/review</p>
<p>16003405</p> <p>Education and Childrens Service</p>	<p>The Council was not at fault in the way it allocated places at School A. Although there was minor fault in the way a school admissions appeals panel hearing was handled, the panel came to its decision on Mrs X's appeal properly.</p>	<p>* Revised Ombudsman Decision</p> <p>Procedure Change</p>
<p>16004887</p> <p>Education and Childrens Service</p>	<p>The Council handled Mr X and Mrs X's secondary school preferences properly. The Council was not at fault in the advice it gave Mr X about a school admissions appeals panel hearing.</p> <p>Although there was some minor fault recording the hearing, overall the panel came to its decision on Mr X's appeal properly.</p>	<p>* Revised Ombudsman Decision</p> <p>Procedure Change</p>
<p>16013115</p> <p>Adult Care Services</p>	<p>The Ombudsman does not uphold Mrs A's complaints about a failure to offer Mr B respite care or about the decision to stop paying her a direct payment and commission Mr B's care directly instead. The Council's complaint response should have explained why changes to the respite care arrangements had been made and its correspondence about stopping the direct payment should have advised Mrs A about her right to complain. But I do not consider these faults caused Mrs A injustice.</p>	<p>Changes in communication</p>

<p>16013775 Adult Care Services</p>	<p>The Council did not provide Mr B with a satisfactory standard of care at its care home. It has apologised to his daughter, Mrs X for this. We are satisfied the actions it has taken because of Mrs X's complaint should prevent this happening again. It has agreed to write to Mrs X to explain its actions to improve the standard and quality of care at the home.</p>	<p>Procedure Change, Other Remedy</p>
<p>16015964 Adult Care Services</p>	<p>The Council failed to ensure it met Mrs X's needs through its care plan and that Mrs X took her medication. It also failed to keep a complete care record of the care Mrs X received. The Council has agreed to apologise to Mrs X's son, Mr Z. It will also review its procedures to ensure it gives clear instructions to care providers.</p>	<p>Apology, Procedure Change</p>
<p>16016545 Adult Care Services</p>	<p>Mr and Mrs C complained about the Council's delay in providing the support they needed. The Ombudsman has found some fault and has completed his investigation as he is satisfied with the actions the Council has agreed to take.</p>	<p>Apology</p>
<p>16016745 Adult Care Services</p>	<p>There was no fault in the way the Council finally invoiced Mrs X for Mrs Y's care. There was fault in the way the Council financially assessed Mrs Y for her care. The Council has corrected this with an adjustment. There was fault in the way the Council issued invoices for the wrong care home and after Mrs Y's death. There was fault in the delay in sending the final invoice. The Council has redressed the distress this caused with an apology and waived part of the final invoice costs.</p>	<p>Apology, financial redress</p>
<p>17000192 Education and Childrens Services</p>	<p>The Council was at fault when it failed to provide the speech and language therapy and occupational therapy set out in Part 3 of Mrs M's son's Statement. The Council has agreed to apologise to Mrs M and pay her £1,350 for her unnecessary distress and time and trouble and to help remedy the injustice caused to her son. There is no fault in the Council's provision of her son's Applied Behavioural Analysis therapy or its decision to hold her son's annual review in the autumn term of 2017.</p>	<p>Financial Redress, Apology</p>

<p>17001227</p> <p>Corporate and Other Services</p>	<p>There was some fault in the way the Council communicated with Mr X when dealing with his reports about antisocial behaviour near his home. However, this did not lead to significant injustice and I am satisfied with what the Council did in response to his reports.</p>	<p>Provide information/advice, apology</p>
<p>17004946</p> <p>Adult Care Services</p>	<p>Mr X says the Council is at fault in how it has handled the funding of his late mother's care. The Ombudsman has found fault in how the Council communicated with Mr X. The Council acknowledges this and the Ombudsman considers an apology adequately addresses the injustice caused to him. The Ombudsman found no fault in how the Council calculated its contribution towards Mr X's mother's care costs.</p>	<p>Apology</p>
<p>17005082</p> <p>Environmental Services & Public Protection & Regulation</p>	<p>The Council was at fault when it published an article about Mrs X which contained inaccuracies The action the Council has taken already is a sufficient remedy for the injustice caused. Any claim for loss of earnings or defamation is a matter for the courts.</p> <p>The Council is entitled to decide what conditions it imposes on animal home boarding licenses. There is no fault in the guidance the Council provided Mrs X about dog grooming. If Mrs X believes these are discriminatory it is open to her to challenge this through the courts. The decision to refuse Mrs X an animal home boarding license in 2014 happened too long ago to consider it now.</p>	<p>Financial redress: Avoidable distress/time and trouble, Other Remedy</p>
<p>17009782</p> <p>Housing</p>	<p>Mr X complains the Council provided him with unsuitable accommodation following his homelessness application and denied him a right of review. The Council also delayed in carrying out repairs to a property it offered him and failed to record an offer to 'un-match' his bid. The Ombudsman found fault because the Council denied Mr X an opportunity to request a review of the suitability of his temporary accommodation. And to be 'un-matched' from an offer of secure accommodation causing uncertainty and distress. The Council has accepted it was at fault. It will apologise to Mr X and pay him £200. It accepts the Ombudsman's recommendations to carry out service improvements.</p>	<p>Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review</p>

Appendix 3

Historical comparison data regarding the number of complaints received both at third stage and at Ombudsman:

Third Stage Complaints

Service	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Adults	0	3	2	3	1	4
Benefits, C Tax & NNDR	13	19	16	16	16	14
Corporate and others	20	18	21	19	15	10
Children's and Education	1	5	5	4	5	5
Environment & Public Protection	21	11	10	15	16	29
Highways and Transport	6	12	12	6	11	3
Housing (including KNH)	4	8	5	5	2	2
Planning	17	17	15	18	19	15
Total	82	93	86	86	85	82
% upheld and Part Upheld	20.7%	17.2%	20.9%	20.9%	21%	20.7%

Cont'd...

Appendix 3 Continued

Number of complaints received by the Local Government Ombudsman

Service	Kirklees Numbers 2015-16	Kirklees Numbers 2016-17	Kirklees Numbers 2017-18	% of total 2017-18	West Yorks Proportion
Adults	19	23	19	21%	17%
Benefits, C Tax & NNDR	13	6	6	7%	9%
Corporate and others	13	2	6	7%	5%
Children's and Education	18	22	27	30%	24%
Environment & Public Protection	8	13	13	14%	12%
Highways and Transport	6	4	4	4%	11%
Housing (including KNH)	3	6	5	6%	8%
Planning	13	17	10	11%	14%
TOTAL	93	93	90	100%	100%

[Return to 3: Complaint Statistics](#)

Appendix 3

Comparison of Numbers of Ombudsman Complaints received against West Yorkshire Councils

The Ombudsman has provided headline figures of complaints received by each Council and my analysis confirms that Kirklees numbers continue to be broadly consistent with that of previous years.

The figures used to calculate the proportion of Kirklees Complaints against West Yorkshire totals come from the mid 2015 estimates of population from the Office for National Statistics. This has a Kirklees population of 434,321 against 2,281,718 in West Yorkshire overall (Kirklees therefore has approximately 19% of the total West Yorkshire population):

Total formal ombudsman complaints received

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Kirklees	61	110	95	93	94	90
West Yorkshire	329	604	582	585	540	529
KC Proportion	19%	18%	16%	16%	17.5%	17%

* shaded area shows “old” Ombudsman numbers – no direct comparison between these numbers and later numbers can be made as the Ombudsman now collates its statistics in a different way, although the proportion of Kirklees cases against West Yorkshire can be obtained for these years.

Some caution should be attached to assuming that low numbers provide a positive result. See the main body report for a summary of these concerns.

[Return to 3: Complaint Volumes](#)

Appendix 4

West Yorkshire comparison for the number of upheld complaints by the Local Government Ombudsman:

	Received	Detailed Investigations	Upheld	Numbers pre-remedied by LA
Bradford	123	30/130 (23%)	19 (63%)	3/17 17.6%
Calderdale	71	20/69 (29%)	14 (70%)	2/10 20%
Kirklees	88	25/88 (28%)	13 (52%)	1/12 8%
Leeds	189	62/194 (32%)	41 (66%)	7/34 21%
Wakefield	56	14/55 (25%)	1 (7%)	0/1 0%
Total	527	151/527	88	
KMC proportion	16.7%	16.5%	14.7%	

Upheld complaints

Nationally, the Local Government Ombudsman upheld 57% of the complaints it received where it undertook a detailed investigation. Kirklees Council achieved a figure of 52%; slightly better than average. In terms of West Yorkshire, Kirklees broadly came in the middle of the table.

In total, the Ombudsman upheld just 13 Kirklees cases; a tiny proportion of the total number of contacts between the council and the public. .

[Return to Complaint Statistics](#)

Appendix 6

Complaints about council staff

Introduction

There can be times where you might feel you need to complain about a member of staff. We all know there are times where we might feel aggrieved about how something has been dealt with, but it is important to decide whether your complaint is against council and national rules rather than it be personally against the person giving you an unwelcome decision.

Unfortunately we sometimes receive very angry comment against our staff. While we welcome legitimate concerns about staff behaviour so we can address and learn from it, we find sometimes staff are only doing their job, and making personal comments and assumption about our staff can go beyond what can be considered reasonable. We want to make sure our residents receive a good service but as an employer we also have a responsibility towards our staff.

If you think you might have a staff complaint, this advice guide might be useful for you to separate out what is a staff complaint and what is a complaint against the process.

Should I complain about a staff member?

Bear in mind that in the vast majority of cases officers have not made a personal judgement about the issue you have presented to the council. Their role is to base their decision on the relevant national legislation and policy that applies to the situation. Almost every decision the council makes on a day to day situation will be based on rules and policy to make sure our decisions are correct and as consistent as possible.

We expect officers to clearly explain how they have reached their decision although they sometimes have to share unwelcome news. This allows you to gain an understanding about the decision and to challenge it if you think it is wrong. Unfortunately when you are have received a decision that you think is incorrect or unfair, it can be easy to feel that an officer of the council has personally blocked what you want to see as an outcome and it may feel appropriate to make personal criticisms of them.

Therefore before you complain about a member of staff, it is worth thinking about whether you actually want to complain about the council decision the officer has shared with you, or whether you want to complain about the staff member's behaviour.

What sort of staff complaints should I make?

There are occasions where you can make valid criticisms of individual officers. This would most commonly be where they have:

- delayed responding to you or not responded to you at all (although if it is a discussion that seems to be going round in circles the officer has the right to close the discussion)
- not given you information
- not explained the situation very clearly
- clearly been rude to you
- appeared to have made a mistake when comparing your situation against the policy and legislation AND this has caused you more than minor inconvenience/delay

In such circumstances you should in the first instance ask to speak with that person's manager or to formally raise a complaint to the service in writing. You should clearly set out your concerns. You should not contact the officer directly as they are not in a position to respond to your concerns.

Where complaints about staff is not appropriate.

Unfortunately there are occasions where complaints about individual staff are not appropriate. The council is obliged to support the staff member if the complaint is unfair or unreasonably presented.

The list is not exhaustive but can include:

- Emailing a number of managers and/or elected representatives to criticise or question an officer's decision – this could be considered to be an attempt to undermine, belittle or bully the individual officer.
- Making unsubstantiated accusations against an officer suggesting perhaps they are unable to perform their job, or that they must have taken some kind of bribe
- Contacting the officer direct to criticise them
- Contacting the officer direct to set out the impact of their decision upon you – this could be seen as an attempt to make officers feel guilty about the decision they are required to make
- Making vague or explicit threats towards officers
- Threatening officers direct with legal action or referral to their professional bodies, or to their managers.
- Making negative comments about named officers on social media
- Making negative comments to officers about their decision while they are in their private capacity, in person or on social media

This type of behaviour can only detract from any valid argument you might be able to present. The council like other employers will seek to protect their staff, and at best this type of action is unhelpful, at worst the action could constitute a legal offence.

Behaviour of this nature may in extreme circumstances lead to a restriction on your contact with the council which could give you considerable inconvenience. In extreme and persistent circumstances legal action could be instigated against you.

Tip: It can sometimes help to write down what you want to say and feel in an email but then don't send it immediately. You can later review the information to make it more factually correct and less emotive.

If you need advice about how to present your complaint and who it should be presented to, you can contact the Corporate Customer Standards Service at customer.standards@kirklees.gov.uk or on 01484 221000 (ask for Corporate Customer Standards).

Appendix 7: Summary of Whistleblowing Cases received

<p>A concern was raised that staff in a section were chatting during early hours before Team Managers arrived to supervise.</p>	<p>Some issues of concern were raised with individuals although they were isolated in nature. A senior manager was found to be present in the office during most of the times highlighted and staff were monitored.</p> <p>Work levels completed were also regularly monitored and individual matters were raised with individuals at 1:1's and Performance Development Reviews.</p>
<p>An allegation was received that a staff member had gone on holiday while they were off work on sick pay.</p>	<p>The issue was investigated and no evidence found to support the claim. There may be occasions where a GP may permit a holiday during sickness absence if it may aid the condition.</p> <p>A period of unsupported sickness (without a fit note from a GP) was present and the officer was not paid for this period. The officer was given advice about the process.</p>
<p>A concern about HR and safeguarding issues were raised about a pre-school/nursery.</p>	<p>The business was not part of the council. Details were sent to the council's safeguarding and education department.</p>
<p>A concern was raised about the management style of senior managers of a partner organisation.</p>	<p>This organisation was undergoing review at the time of the concern being raised and the matter was passed to the organisation to consider as the council did not have authority to investigate in detail.</p>
<p>A concern was raised about management behaviour at a school.</p>	<p>The matter was brought to the attention of the school and the governors who oversee the running of the school and advice was offered from the councils Learning Service who had an overview of the Schools Performance and Improvement Plan.</p>
<p>A concern was raised about a senior manager who was undertaking a review of the service.</p>	<p>The matter was brought to the attention of the senior manager's manager. The individual left the council for unrelated reasons shortly after.</p>

<p>A concern was raised about a proposed service changes which the author felt would be detrimental to service users.</p>	<p>The Senior Manager assured the staff member that any changes would be discussed with staff and their representatives, and that the service is regularly reviewed by an external body which gives assurance on the suitability of processes used by the service.</p>
<p>A concern was raised about a member of staff with a criminal record and whether it was appropriate to employ them.</p>	<p>The individual had declared their criminal record and it was a post that did not require a DBS nor was the officer deemed to be a risk to the public given the nature of their role.</p>
<p>A video of an outdoor member of staff was presented. The individual believed it showed some illegal activity and had contacted the Police and the council.</p>	<p>We liaised with the Police who determined the video did not necessarily show illegal activity. Information was shared with the service to monitor the worker's activities.</p>
<p>A complaint against a member of staff was received. It was believed this individual had received preferential treatment during a review of their service.</p>	<p>An investigation into the allegations was conducted by Internal Audit. This found that the proper recruitment processes had taken place and the situation had been discussed by senior managers, although some additional detail to make the situation clearer during the decision making process could have been provided.</p> <p>The officer had suitable skills and experience for the post they had been recruited to.</p>
<p>A concern about the recruitment practices at a School was received. There were concerns about the inter-relationship with family members amongst the staff, and practices which led to some staff feeling unflavoured.</p>	<p>Internal Audit prepared a report with various options for the governing body of the school to consider.</p>
<p>A concern was raised about a member of staff who was alleged to have taken an activity holiday weekend while they were off work claiming sickness for a physical disability.</p>	<p>The staff records did not indicate any sickness absence was being claimed during the period in question.</p>
<p>A concern was raised that a staff member had accessed the individual's records inappropriately. In particular there was a concern that various</p>	<p>We checked the computer access for the officer concerned and discovered they did not have access to the computer systems which might hold welfare benefit records. Therefore they</p>

welfare benefit records had been accessed.	could not have accessed this information.
A whistleblowing concern was raised about a manager's behaviour.	The issue had also been presented to the council by the person's union representative and was investigated via that process.
A taxi driver took a fare from a man claiming to work for the council. He absconded without paying his fare and the driver complained to the council about it.	We invited the driver to show us an image of the customer to see if we could identify who it was using the in-cab CCTV. We advised this may be a Police matter and advice from them should be sought. The driver did not respond.
A business wished to advise that an individual who he believed had obtained a charitable grant from the council owed his business and a number of other people money.	We checked and confirmed we had not paid this individual any kind of grant or support.
A comment was received about a charity worker who was working with vulnerable adults apparently without suitable checks, and there were concerns they were misappropriating charity funds.	The council was not funding or supporting this individual and had no involvement with this matter. The Police subsequently investigated a similar concern.
We received a concern that a staff member was making racist comment on social media and this was placing his role supporting Kirklees residents of risk of disrepute.	The individual was given advice, but was already working his notice to leave the council at the point the allegation was received. The individual advised his account had been hacked, and his social media account records were altered to remove the comments, and also to make his account more private.

[Return to Whistleblowing](#)