

Case 201005204: The City of Edinburgh Council

Summary of Investigation

Category

Local government: Statutory Notices; complaints handling

Overview

The complainant, (Mr C), complained that The City of Edinburgh Council (the Council) had failed to respond reasonably to his enquiries about a statutory notice that had been served on his property. He complained to the Council's Customer Care Team (within the Corporate Contact Centre) that his enquiries were not being responded to. Thereafter he complained that the Customer Care Team had failed to respond to his complaints.

Specific complaints and conclusions

The complaints which have been investigated are that the Council:

- (a) did not reasonably respond to Mr C's enquiries about a statutory notice served on his property (*upheld*); and
- (b) failed to respond to Mr C's complaints about the Edinburgh City Development Department and the Customer Care Team (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Council:

- | | <i>Completion date</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (i) provide a full apology from the Edinburgh City Development Department to Mr C for failing to appropriately respond to his enquiries about an outstanding statutory notice affecting his property; | 30 November 2011 |
| (ii) following consideration of the findings of the external enquiry, report back to the Ombudsman about the measures being put in place in the Edinburgh City Development Department in relation to customer care and in particular in relation to enquiry handling, to ensure a similar situation does not occur; | 31 December 2011 |
| (iii) provide a full apology to Mr C for the failures | 30 November 2011 |

identified regarding the handling of his complaints by the Customer Care Team; and

- (iv) review the Corporate complaints policy, and provide evidence to the Ombudsman that procedures are being adhered to effectively when handling complaints from customers.

31 December 2011

The Council has accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. Mr C owns a property in Edinburgh. A Statutory Notice had been served on the property in 2007 prior to him acquiring ownership. The notice related to repair of the external entry system which was carried out in 2008. He purchased the property on 18 March 2010. He was advised The City of Edinburgh Council (the Council) would only communicate with him as the owner of the property in relation to resolving the outstanding notice.

2. Throughout November and December 2010 Mr C attempted to contact staff within the Edinburgh City Development Department (the ECDD)¹ in order to resolve payment of the account pertaining to the notice. In January 2011 Mr C contacted the Customer Care Team (the CCT) to complain as he had not received a response from the ECDD.

3. By February 2011 Mr C was yet to receive a response from the CCT in relation to his complaint, so raised a complaint against the CCT as well. By the time he brought his complaints to the Ombudsman on 22 March 2011, Mr C was yet to receive a response in relation to either complaint, and the issue of payment of the invoice relating to the notice also remained outstanding.

4. Since bringing the matter to the Ombudsman's attention, Mr C subsequently attended a meeting with two Council officers (Officer 1 and Officer 2), received an email of apology from a manager of the CCT (Officer 3) and was issued with the final bill relating to the statutory notice on 29 June 2011. Mr C remained dissatisfied with the way the Council had handled his complaint from the outset. Mr C wished the Ombudsman to investigate why his initial and subsequent complaints had not been responded to, and to investigate and find evidence of the Council's position that as a result of his experiences, procedures have been reviewed and new procedures put in place.

5. The complaints from Mr C which I have investigated are that the Council:
(a) did not reasonably respond to Mr C's enquiries about a statutory notice served on his property; and

¹ From 31 March 2011 responsibility for statutory notices was transferred from the ECDD to Services for Communities within the Council

(b) failed to respond to Mr C's complaints about the ECDD and CCT.

Investigation

6. In order to investigate Mr C's complaint, my complaints reviewer has fully reviewed all the documentation provided by him in relation to the matter, including emails relating to the original complaints. My complaints reviewer has considered the stages of the complaints process, the Council's internal complaints handling procedure and has reviewed further information provided by the Council.

7. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report. Those referred to within the report can be found as they arise within Annex 1.

Sequence of Events

8. Mr C first contacted the Council in relation to the original issue of the outstanding statutory notice on 10 November 2010. He sent an email to the ECDD. The next day Mr C received a response stating he should contact a surveyor at the ECDD (Surveyor 1) for further information about the outstanding notice.

9. Mr C left two telephone messages with Surveyor 1 asking Surveyor 1 to contact him, but he did not get a response. On 16 November 2010 Mr C contacted the ECDD again and requested to speak to a manager. Shortly thereafter he was contacted by Surveyor 1 who advised Mr C he was aware an account still required to be issued for the work undertaken under the statutory notice, but that responsibility for this had passed to somebody else, and he would liaise with this person.

10. Following this Mr C had no further contact from Surveyor 1. Mr C made further enquiries asking what was happening about the outstanding account. On 26 November 2010 Mr C received the same email response as that of 11 November 2010, with another surveyor's name (Surveyor 2) substituted in place of Surveyor 1's name. Mr C emailed Surveyor 2 the same day. Mr C received no response, and sent another email to Surveyor 2 on 10 December 2010.

11. On 12 January 2011 Mr C had heard nothing further from anyone at the ECDD. He contacted the CCT to make a formal complaint against the ECDD regarding the way they had handled his enquiries about the outstanding statutory notice. This was classed as a Stage 1 complaint, and Mr C received a letter stating he would receive a response by 26 January 2011.

12. Mr C did not receive a response by this date and phoned the CCT. He was advised staff at the CCT would contact the ECDD and ring him back. This did not happen, and Mr C phoned the CCT again on 2 February 2011. He was told by the CCT at this point that they did not have the staffing capacity to proactively follow up other departments, even though Mr C had been assured he would receive a telephone call back. Mr C requested to speak to a senior member of staff within the CCT. He was advised to make a Stage 1 complaint against the CCT, which he did. Mr C also requested his complaint against the ECDD be escalated to a Stage 2 complaint. Mr C was informed he would receive a response to both complaints by 16 February 2011.

13. Mr C did not receive a response to either complaint by 16 February 2011. On 21 February 2011 he contacted the CCT by e-form; he received an automated response stating he would receive a response within five working days. Mr C said no substantive response to either complaint was received; he did receive an email stating the person dealing with the matter was awaiting an email from Officer 3 who was out of the office.

14. By 1 March 2011 Mr C had not received any response to either complaint. He asked that his Stage 1 complaint against the CCT be escalated to a Stage 2 complaint, and that his Stage 2 complaint against the ECDD continue to be investigated. Mr C received a response from Officer 3 who advised that Mr C would receive a response in relation to both complaints by 15 March 2011. When Mr C brought his complaint to the Ombudsman on 22 March 2011 he had not received any response to either complaint.

15. Mr C met with Officer 1 and Officer 2 of the Council on 2 June 2011; however, the matter was not resolved to his satisfaction in that he remained concerned that his original complaints had simply been ignored, and that the Council's position that procedures had been reviewed and changed should be independently verified to prevent a similar situation arising again.

(a) The Council did not reasonably respond to Mr C's enquiries about a statutory notice served on his property

16. The position relating to Mr C's initial enquiries to the ECDD about the outstanding statutory notice served on his property is outlined within the Sequence of Events above. Mr C provided emails to my office to demonstrate the various contacts he had made to members of staff within the ECDD throughout November and December 2010.

The Council's response

17. There was no substantive response from the ECDD to Mr C's original enquiry about the statutory notice until 25 May 2011, six months after his original enquiry, by which time Mr C had already attempted to make a formal complaint about the Department, and brought both complaints to my office.

18. On 25 May 2011 Mr C received an email of apology from Surveyor 1 regarding the delay in the issuing of the invoice for the work carried out at Mr C's property in 2008. Surveyor 1 explained the ECDD was undergoing a departmental review and as a result resources were significantly stretched. He expressed regret that Mr C had not heard anything further in relation to his queries from either him or Surveyor 2. Surveyor 1 said Mr C would receive an invoice by 27 May 2011.

19. Mr C met with Officer 1 and Officer 2 on 2 June 2011. Officer 1 apologised to Mr C for the way he had been treated. He said Mr C would receive an invoice by 10 June 2011. Officer 1 also indicated there was to be a review of customer relations within the ECDD.

20. In the event Mr C did not receive an invoice until 29 June 2011.

21. During the investigation of this complaint the Council confirmed to my complaints reviewer that the external enquiries into the administration of statutory notices included reviewing the standards of customer care. The Director of Customer Services would be reporting in late October to the Council on the outcome of the external review and to provide details on the future re-design of the ECDD.

(a) Conclusion

22. Mr C complained that the Council had not reasonably responded to his enquiries about a statutory notice served on his property.

23. From the evidence that has been reviewed, there is no doubt that there has been a serious service failure within the ECDD. Mr C's attempts to resolve a straightforward issue regarding an invoice through the advised channels were left unanswered for unacceptably lengthy periods of time. No reasonable explanation has been given by the Council for the delays he experienced. Mr C was told in May 2011 that due to a departmental review resources within the ECDD were stretched and that this had impacted upon the length of time it had taken to deal with his query; however, this could not be said to be the situation in November 2010 when Mr C first contacted the ECDD.

24. I recognise that the Council made efforts to address Mr C's concerns by offering a meeting. However, I also acknowledge that the outcome of the meeting left Mr C dissatisfied, in that the issuing of the invoice, the entire basis for his contact with the ECDD, was still not dealt with until weeks later, again without any explanation for the delay. I recognise the Council have commissioned an external review of the statutory notice service and its future re-design. I expect that the Council will use the lessons learned from this individual case to help inform the re-design of this service.

25. Given all my findings I uphold this complaint and have two recommendations to make.

(a) *Recommendations*

- | | <i>Completion date</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 26. I recommend that the Council: | |
| (i) provide a full apology from the ECDD to Mr C for failing to appropriately respond to his enquiries about an outstanding statutory notice affecting his property; and | 30 November 2011 |
| (ii) following consideration of the findings of the external enquiry, report back to the Ombudsman about the measures being put in place in the ECDD in relation to customer care and in particular in relation to enquiry handling, to ensure a similar situation does not occur. | 31 December 2011 |

27. The Council has accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify him when the recommendations have been implemented.

(b) The Council failed to respond to Mr C's complaints about the ECDD and CCT

28. Mr C complained to the CCT in January 2011 after failing to have his enquiry resolved within the ECDD. Again, what followed is contained within the Sequence of Events above. There was no substantive response to Mr C's complaint about the ECDD, so he asked his complaint be escalated to a Stage 2 complaint whilst simultaneously he raised a complaint against the CCT itself at Stage 1. Mr C did not receive a response thereafter to either complaint, and brought the matters to the Ombudsman on 22 March 2011. Mr C provided copies of acknowledgements letters he had received from the CCT specifying dates he would receive a full response by, as well as further email enquiries made by him to the CCT.

The Council's response

29. The Council provided my office with a complaints log relating to Mr C's complaints. It indicates that his complaint was logged by staff within the CCT and given a response date, but that thereafter it was referred back to the ECDD for action with no reminders for the CCT to ensure a response was received. When he contacted the CCT again on 2 February 2011, the following is noted within the complaints log by the member of staff he spoke to:

'I advised that had [ECDD] contacted us we would have called him [Mr C] back. I advised that as a small team dealing with many complaints from all Departments we do not follow up calls, we rely on the Department in question to get back either to us or directly to the customer.'

30. There was no further response from the CCT in relation to either complaint. When providing comment on the draft of this report, the Council advised that the CCT's process was to refer any complaint received to an officer within the relevant department, (the 'complaint owner') and that once a case had been allocated, it became the responsibility of the department to respond to the complaint. The allocated officer could choose to deal with the complaint themselves, or if necessary ask someone else to do so. The Council explained a weekly 'jeopardy' report was generated, which would advise the allocated officer, as well as anyone the allocated officer had referred the case to, of any complaints which were approaching, at or over target.

31. During the process of the Council arranging to offer Mr C a meeting, my complaints reviewer had a telephone discussion with Officer 2. The complaints

reviewer suggested it would be beneficial for Officer 2 to liaise with the CCT or preferably have a representative of the CCT present at the meeting who would be able to respond to Mr C's concerns about that department directly.

32. In the event there was not a representative from the CCT at the meeting. The Council representatives at the meeting were not able to address Mr C's concerns about the complaints handling issues but informed him they would pass matters on.

33. On 24 June 2011 Mr C received an email from Officer 3, offering a full apology for the experiences he had in dealing with the CCT. Officer 3 said the handling of Mr C's complaints had fallen far short of the standards that were expected. Officer 3 said the CCT believed colleagues within the ECDD would provide Mr C with a response to his complaint directly, and apologised that this did not happen. Officer 3 also said the investigation into the mishandling of Mr C's complaint had given the CCT an opportunity to review its procedures and implement new ones.

34. In August 2011 the Council provided this office with details of a review carried out within the CCT which focussed on how the CCT can better keep customers informed of the progress of their complaints. This initiated a pilot whereby a report is produced daily advising CCT staff of complaints across the Council that are within one day of their target date. This daily report would be in addition to the weekly 'jeopardy' report. CCT staff can then contact the relevant department for an update, and to ensure that if the target date for response is not going to be met, that the customer is informed and given a revised date for a response. The Council had also tabled an agenda item at the next meeting of the Corporate Complaints Action Group in relation to this matter, and had reinstated a Customer Complaints Satisfaction Survey.

(b) Conclusion

35. Mr C complained to the Ombudsman that the Council failed to respond to his complaints about the ECDD and the CCT. Mr C said he was concerned that both his complaints were ignored by staff at all levels. Mr C was also concerned about the reasons eventually given to him about the failure to respond to the complaints. Mr C wanted confirmation that tangible changes would occur within both the ECDD and the CCT to improve the way complaints are handled in the future.

36. The Council's complaint process is meant to contain two stages. Stage 1 complaints ought to be responded to within ten working days. If a complainant remains dissatisfied, the complaint will be escalated to Stage 2. At Stage 2, a senior Council officer should investigate and respond within ten working days. The officer should ask for further time if the investigation is complex and requires further time.

37. It has been clearly established that the Council's complaints process was not followed in relation to either of Mr C's complaints. The failings identified within this investigation are of concern, and I am critical of the Council's handling of his case throughout the entire process. Firstly, I was concerned to note the CCT's position that complaints were simply being referred back to the department of origin with no provisions in place for follow up. I note the Council's position that the weekly jeopardy report should have assisted in ensuring Mr C's case was followed up within the ECDD within the appropriate timescales; however, this does not appear to have happened in Mr C's case. I also note that there was no facility in place to advise the CCT that a complaint they allocated for resolution had not been responded to.

38. Secondly, no explanations have been provided for the repeated failure to respond at all stages, except to state there was an 'administrative oversight'. This is not acceptable because the evidence shows the CCT had been advised by Mr C on many occasions that matters remained outstanding. It also appears that the apology from Officer 3 was not offered to Mr C until after he had emailed Officer 1 on 21 June 2011 asking why he had not heard anything following the meeting on 2 June 2011.

39. It is encouraging to note there is an effort being made by the Council to change procedures, but it is nevertheless concerning that the procedures were allowed to become this ineffective in the first instance. There is evidence of missed opportunities at the very start of the complaints process to resolve the complaints. Put simply, the Council had the opportunity to put things right first time and did not do so.

40. I uphold this complaint and have two recommendations to make. Although I am aware the ongoing external review may impact on the future workings of the ECDD, this will not concern the ongoing operation of the CCT, and it is important I am given sight of evidence that the procedures within the CCT are being improved.

(b) *Recommendations*

- | | <i>Completion date</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 41. I recommend that the Council: | |
| (i) provide a full apology to Mr C for the failures identified regarding the handling of his complaints by the CCT; and | 30 November 2011 |
| (ii) review the Corporate complaints policy, and provide evidence to the Ombudsman that procedures are being adhered to effectively when handling complaints from customers. | 31 December 2011 |

42. The Council has accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify him when the recommendations have been implemented.

Explanation of abbreviations used

Mr C	The complainant
The Council	The City of Edinburgh Council
The ECDD	The Edinburgh City Development Department, a department within the Council
The CCT	The Customer Care Team, a team within the Corporate Contact Centre
Officer 1	A manager within the Council
Officer 2	A Council employee
Officer 3	A manager within the CCT
Surveyor 1	A surveyor within the ECDD
Surveyor 2	A surveyor within the ECDD