

TRAFFORD COUNCIL

Report to: Executive
Date: 20 July 2020
Report for: Decision
Report of: Executive Member for Environment, Air Quality and Climate Change

Report Title

Public Interest Report by the Local Government and Social Care Ombudsman (Ombudsman); Investigation into complaints against Trafford Council Waste Collection Service

Summary

In response to complaints made in respect of the Council's waste and refuse collection service, the Ombudsman has completed an investigation. This report presents the public interest report issued by the Local Government and Social Care Ombudsman upon conclusion of the complaint investigation. The report details: the background to the complaints; the actions that the Council has taken to date to address the issues raised in the report; the Ombudsman's findings; the recommendations made by the Ombudsman; and the actions identified by the Council as being necessary going forward in response to the Ombudsman's recommendations.

Recommendation(s)

The Executive is recommended to:

1. Note the requirement for the report to be considered in full by the Executive Committee in accordance with the Local Government Act 1974;
2. Note the contents of this report and the Ombudsman's report;
3. Note the remedial recommendations made by the Ombudsman;
4. Note the agreed remedial actions already taken by the Council in response to the Ombudsman's recommendations; and
5. Notes and approves the proposal to progress the completion of those agreed remedial actions which are yet to be undertaken by the Council.

Contact person for access to background papers and further information:

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Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	Improving Public Health
Relationship to GM Policy or Strategy Framework	The decision does not affect any GM wide policy or strategy framework
Financial	There are no financial implications from this report. Compensation paid in relation to this report has already been paid by Amey LG.
Legal Implications:	The Ombudsman investigates complaints about maladministration and service failure. In accordance with the Local Government Act 1974, there is a requirement for the report to be considered in full by the Council's Executive Committee. Where the Ombudsman determines that a fault has caused an injustice, the Ombudsman may suggest a remedy. The Council is required to consider the report and confirm the action it has taken or proposes to take in response to the Ombudsman's report and recommendations.
Equality/Diversity Implications	Some of the complaints to the ombudsman relate to assisted collections that impact on vulnerable residents that require support with the service. Ensuring that the service works for these groups.
Sustainability Implications	There are no sustainability implications as a result of this report.
Resource Implications e.g. Staffing / ICT / Assets	Council resources will be required for the detailed review of the complaints process. There may be some technical support required if the council's complaints system requires changing.
Risk Management Implications	Not applicable
Health & Wellbeing Implications	There are no health and wellbeing implications in this report.
Health and Safety Implications	There are no health and safety implications in this report.

1.0 Background

- 1.1 In 2019 the Council received a number of preliminary enquiries from the Local Government Ombudsman in relation to waste collection issues. Following correspondence with the Ombudsman they decided to investigate these cases.
- 1.2 Following the investigation of these related complaints regarding waste collection, the Ombudsman, having found fault in a number of cases, determined that they would issue a Public Interest report, covering six individual complaints.

- 1.3 The six complaints investigated involved complaints about the Council's waste and refuse collection service. In particular, the complaints concerned the failure to return bins to the correct location and missed garden and food waste collections.
- 1.4 The Ombudsman uses a set of criteria to determine whether the issuing of such a report might be appropriate; in this case, a number of criteria were deemed to be met, as follows:
- A high volume of complaints about one subject
 - A significant topical issue
 - Systemic problems and / or wider lessons
- 1.4 The Ombudsman investigates complaints about maladministration and service failure. Where the Ombudsman determine that a fault has caused an injustice, the Ombudsman may suggest a remedy. The Ombudsman upheld and found fault. Furthermore, the Ombudsman in five of the complaint cases which it investigated found that the fault caused injustice.
- 1.5 The Ombudsman's final report was published on 20th March 2020. The Council was required by law to issue Press Notices, as stipulated by the Ombudsman (under LGA 1974, s. 30), and make copies of the report available on request.
- 1.6 In accordance with the Local Government Act 1974, there is a requirement for the Ombudsman's report to be considered in full by the Council's Executive Committee. The Council is also required to confirm the action it has taken or proposes to take in response to the Ombudsman's report and recommendations.
- 1.7 The Council had an opportunity to comment on the text of the Ombudsman's draft report and following consideration of draft remedial recommendations from the Ombudsman, the Council agreed to undertake a number of remedial actions. Those agreed actions are set out in section 5 of the report.

2.0 Complaints

- 2.1 The Public Interest report which can be found in full in Appendix 1, details six complaints about the Council's waste and recycling service relating to the first half of 2019.
- 2.2 The overriding theme of these particular complaints was the failure to return bins to the correct location and missed garden and food waste collections. The Ombudsman upheld all six of the complaints and also found fault. In five of the cases the fault was considered to have caused injustice.
- 2.3 The Ombudsman does not usually investigate if there has been only one missed collection and following a number of cases escalated to them by Trafford residents they felt indicated that there was a wider problem with collections in Trafford.
- 2.4 The Council acknowledged that there had been issues with the waste collection service and was working with its service provider Amey to improve the waste collection service.
- 2.5 The Council advised of a number of actions that had been taken to improve the collections including appointing three new supervisors to ensure that the waste

collection service was suitably monitored and improving the communications with the collection teams about assisted collections and other anomalies on their collection rounds.

- 2.6 In response to the Ombudsman's draft report the Council advised the Ombudsman that the Council had already identified areas of service failure and were in a formal process with Amey to review performance and address service delivery issues with a view to significantly improving the level of service it provides to residents.

3.0 Recommendations in the Public Interest Report

- 3.1 The Ombudsman made eight remedial recommendations which are listed below and the Council agreed to take the actions detailed below to remedy the injustice determined by the LGSCO:

a) Apologise to each of the complainants for the frustration and inconvenience caused by the collection problems

- i. This action is complete. Apology letters were sent to all complainants.

b) Monitor their waste collections for twelve collections.

- i. This action has been completed. This monitoring related to the bin collections of the 6 complainants which have been monitored and the service provided has met the required standard with no further monitoring or actions required.

c) Give Mr F's crew photographs of where the bins are to be left and ask the crew driver to sign for these instructions

- i. This action has been completed and no further intervention with the collection crews is required.

d) Report the results of the monitoring to the Ombudsman and to the complainants within a month of the twelfth collection. If the monitoring shows a need for further actions, the report will explain what action the Council will take.

- i. Monitoring has recently been completed. The Council has confirmed, via a site visit with the complainants, the results of the monitoring. It is proposed that the Council will report back to the Ombudsman following the consideration of this report by the Executive.

e) Pay Mr and Mrs D £150 to acknowledge injustice caused over a number of years

- i. This action is complete. A compensation cheque was sent with the apology letter.

f) Pay Mrs B, Mrs C, Mr F and Mrs G £100 to acknowledge the time and trouble and difficulties they were caused.

- i. This action is complete. A compensation cheque was sent with each apology letter.

g) Review its missed collection report and complaints process with a view to introducing a step where results of supervisor monitoring can be assessed or residents can talk to the supervisor about the problem and the matter given a chance to resolve before automatic escalation to us.

- i. A review of the complaints process was started in March however this has been delayed due to Covid. It is proposed that the review is progressed to completion following consideration of this report by the Executive.
- h) Ask the overview and scrutiny committee to consider whether the recent changes to the waste collection service have brought about service improvements.**
- i. The Council propose that this action is also linked to the complaints review and that Scrutiny Committee are asked to consider if the changes have brought about service improvements when the current issues around the Covid pandemic have subsided and the complaints review has been implemented.

4.0 Conclusion

- 4.1 The Council, with its service provider Amey, has already completed five of the eight agreed remedial actions, with a sixth to completed following consideration of this report by the Executive, as set out in section 5 of the report.
- 4.2 The Council is proposing to proceed with completion of the following three outstanding agreed remedial actions:
- a) Report the results of the monitoring to the Ombudsman and to the complainants within a month of the twelfth collection. If the monitoring shows a need for further actions, the report will explain what action the Council will take;
 - b) Recommence its review of missed collection report and complaints process with a view to introducing a step where results of supervisor monitoring can be assessed or residents can talk to the supervisor about the problem and the matter given a chance to resolve before automatic escalation to the Ombudsman;
 - c) Ask the overview and scrutiny committee to consider whether the recent changes to the waste collection service have brought about service improvements and to consider results of the complaints review referred to above. It is also proposed that the overview and scrutiny committee consider any service improvements recommendations that are proposed as a result of the complaints procedure review.
- 4.3 Once Members have formally considered the report, the Council is required to notify the Ombudsman in writing the action it has taken and the action it proposes to take.

5.0 Other Options

- 5.1 There are no other options for consideration.
- 5.2 Whilst the Ombudsman has no legal means to enforce the acceptance of its recommendations by the Council, the Council has accepted and agreed the remedial actions set out in the report.
- 5.2 The Executive is required to consider the Ombudsman's report and the Council is required to report to the Ombudsman in accordance with agreed actions.

6.0 Consultation

- 6.1 There are no consultation requirements in respect of this report or the Ombudsman's report.
- 6.2 Consultation on any changes to service delivery which may alter collections and impact on residents in the future shall be undertaken as a matter of course with the Executive, Ward Members and any residents affected depending on the scale of change.
- 6.3 Any changes to the Council's complaints procedure will be consulted upon were required.


Reasons for Recommendation

In accordance with the Local Government Act 1974, there is a requirement for the Public Interest Report to be considered in full by the Council's Executive.

Key Decision : No

Finance Officer Clearance PC
Legal Officer Clearance DS

[CORPORATE] DIRECTOR'S SIGNATURE *(electronic)*



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Appendix 1: Report