

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: AUDIT COMMITTEE

Report of: The Chief Executive and the Assistant Director, Street Scene

Date of Meeting: 24 September 2019

Subject: Ombudsman Report concerning a complaint about Refuse Collections

Wards Affected: All

1. Purpose of Report

- a) In December 2006, the Audit Committee endorsed a framework for informing and involving Members of the Council when the Local Government and Social Care Ombudsman issues a report.
- b) The aim of this report is to inform members about the Ombudsman's report, issued in July 2019, concerning complaints from a number of residents about how the Council has repeatedly failed to collect their household waste, recycling or garden waste.
- c) As the Ombudsman has found that there was maladministration and injustice, it should be considered by this Committee on behalf of the City Council.

2. Recommendations

That the Audit Committee notes the Director's proposed response to the Local Government and Social Care Ombudsman's recommendations.

3. Background Information

- 3.1 A copy of the Local Government and Social Care Ombudsman's report of July 2019 is appended to this report. All Ombudsman reports are anonymous, so, whilst the events described are real, the names of those involved are not included.
- 3.2 The essence of the complaint is that the Council:
- Has repeatedly failed to collect their household waste, recycling or garden waste.
 - Many of the complainants have also complained about the poor responses to their complaints.

4. The Key Events

- 4.1 The Local Government and Social Care Ombudsman has identified 17 different complainants in her report.
- 4.2 Each of the complainants has a different set of circumstances and a different remedy has been recommended. Details of each case can be found in the Ombudsman's report.

5. The Ombudsman's Findings - Maladministration and Injustice

- 5.1 The Ombudsman received a large number of complaints about missed collections and problems with the service. These complaints are not limited to one particular area, but cover the whole of the city.
- 5.2 The Ombudsman has set out details of each case in her report. Some of the complaints relate to repeated failure to collect household waste and some relate to recycling or garden waste. In two of the cases, the complainants have assisted collections.

6. The Ombudsman's Recommendations

- 6.1 The Ombudsman recommended that the Council should write to each of the complainants to apologise for the failings in the service.
- 6.2 Seven of the complainants will receive £100, nine of the residents £200, and one resident £300 in recognition of the frustration and difficulties the problems have caused. The Ombudsman's report provides a detailed breakdown of each case.
- 6.2 Implement a three month period of monitoring to ensure that waste collections are made on the scheduled days. In relation to two complainants, this monitoring should also ensure their assisted collections are carried out properly with their bins being collected and returned to the correct storage point.

- 6.5 Review the way it considers and responds to refuse complaints to ensure that its responses address the specific issues raised.
- 6.6 Carry out a 'lessons learned' review to analyse and understand what went wrong with the planning and implementation of the changes to its waste collections. It should also assess whether any of those issues are still outstanding. This review should be reported to, and considered by, the relevant overview and scrutiny committee.

7. The Council's View

- 7.1 The Council accepted the Ombudsman's recommendations at the draft report stage.
- 7.2 The Council has made the payments requested by the Ombudsman and apologised to the complainants.
- 7.3 This case has highlighted the need for improvements to be made to the Service.
- 7.4 Work has been underway for some time to make such improvements and they are detailed below:-
- Older collection vehicles have started to be replaced and the procurement for new vehicles has begun with demonstration vehicles arriving.
 - There has been an increase in on-site monitoring of teams and the data team now monitors the tracker data using information from the contact centre as a guide.
 - Daily completion talks are undertaken with crews and every missed collection is reported and analysed each day.
 - Additional agency drivers have been recruited by changing the criteria for acceptance although this still complies with legislation and drivers must have passed through the training school.
 - Lifford Depot has been supporting Redfern Depot by taking some of their work on Mondays and Fridays. The two Service Managers there have also provided additional support and guidance for staff at Redfern Depot.
 - Depot meetings are held with collection teams to encourage joint working with Trade Unions, the Cabinet Member and managers to improve the service.
 - Contact Centre data is received and reviewed daily with regular meetings taking place between the service and Contact Centre managers.
 - Your Views Stage 2 and 3 complaints are reviewed separately and discussed at Street Scene management team meetings. These complaints are beginning to drop although we are aware that there are complaints already with the Local Government and Social Care

Ombudsman, so the number of such cases may continue to be higher than usual for a while yet.

- 7.5 As Members will be aware, an independent review of the service has been commissioned to consider the current service, best practice and benchmarking and appraisal of a future operating model. It is expected that recommendations will be presented to the Council later in the year.
- 7.6 There are further areas for development in order to improve the service, such as re-engaging with residents to reverse a recent increase in the presentation of waste outside normal collection times; a greater emphasis on staff engagement with the improvement of the service, more IT support to help teams with the information they need on assisted collections and other specific instructions: further work on equalising workloads so that collections are maintained, though possibly by changing the collection day for some residents.

8. Legal and Resource Implications

The agreed payments have been made from an appropriate budget.

9. Risk Management & Equality Impact Assessment Issues

The main risk would be that the service does not learn from this and that there are further cases which require settlement. As some continue to progress to the Ombudsman, there is the additional risk of a further report from them.

10. Compliance Issues

Steps have already been taken to comply with the Local Government and Social Care Ombudsman's recommendations in respect of the individuals involved and work continues to ensure that the Council complies with the wider points such as how complaints are responded to and the 'lessons learned' review.

11. Recommendations

That the Audit Committee notes the actions being taken in response to the Local Government and Social Care Ombudsman's report.

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