



Briefing 17-36

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Bin Complaints - Local Government & Social Care Ombudsman report

To: APSE main contacts in England and for information to Wales, Scotland and Northern Ireland

Key Issues

- The Local Government and Social Care Ombudsman's report '**Lifting the Lid on Bin Complaints**' highlights a specific problem in contracted out bin collection services.
- Councils are reliant upon monitoring outsourced contracts but there are often insufficient processes in place.
- APSE has previously highlighted the potential for lower levels of customer satisfaction in services carried out by third parties and the loss of direct control over service direction and delivery.

1. Introduction

On 23rd of August 2017, the Local Government & Social Care Ombudsman released a report '**Lifting the Lid on Bin Complaints: learning to improve waste and recycling services**' which considers complaints it has received on the issue of bin collection. It highlights areas for improvements and provides examples of specific complaints that have been dealt with by the Ombudsman, many of which could have been avoided.

In the year 2016/17, the ombudsmen upheld 81% of waste-related investigations. This figure was 59% in the 2015/16, and is also higher than the average uphold rate across all areas, which was 53%. The report says that common causes of problems were councils not retaining effective oversight over third party contractors, and not learning from and improving upon any complaints they received.

2. Common Problems

Contracting Out Services and how complaints are processed

Around 40% of Local Authorities in England outsource their waste collection services, however they still retain responsibility for ensuring a quality service and are ultimately accountable for any problems faced. Indeed local authorities are bound by a statutory duty for the collection of domestic waste and as such the overriding duty of itself cannot be delegated to a third party contractor. As APSE has consistently highlighted this means that whilst a service can be outsourced the risk of not fulfilling a statutory requirement rests with the local authority.

A common thread amongst the **Ombudsman's** examples is that the contractor mishandles the initial complaint. Contractors can provide their own process for handling complaints and are therefore often contacted before the council when a resident experiences an issue. In one case study (**'Miriam's story'**), the contractor was not correctly reporting the reason for a missed bin collection, which exacerbated the issue. Whilst the complaints process sat with the contractor for it is clear that the council is still considered responsible for the oversight of any issues.

Monitoring and contracted out services

In almost every accompanying case study example, the Ombudsman reported that councils respond to complaints by saying **that they will 'monitor' the service that a resident is receiving**. However, the Ombudsman has found that the monitoring process is not always adequate, if it takes place at all. It says that proper monitoring can lead to an improved service and is often essential to resolving complaints.

Many councils could not provide evidence of any monitoring it had done, despite their response to residents saying that it would carry out a monitoring process. In the case study of **'Asha's Story', when the council had said it was monitoring the situation, it had only checked the missed collection reports and passed them on to their contractor to deal with, rather than doing any investigation themselves, leading to the repetition of the initial problem that had led to the missed bin collection.**

The report recommends that councils ensure monitoring is meaningful, rather than just a **'tick-box' exercise, and in 'Asha's case'** they had also recommended that photographic evidence be collected as part of the monitoring process.

Paid-for Services

Various councils provide some of their services for a fee. A common example of this is Garden Waste, as well as bulky waste collections. This often results in people being more frustrated if there is a problem than if it was free.

The report recommends that councils take into consideration that problems with paid-for services usually cause more exasperation, and offer compensation following complaints. This, for example, could be in the form of a discounted rate or a free collection period.

Missed Collections & Frequency of Collections

The Ombudsman recognises that, when 26 million tonnes of rubbish are collected in England alone, that missed collections will happen. However, it is in responding to these issues that improvements could be made. This is especially important in councils where bin collections have moved away from weekly collections.

The case study of **'Rachel's Story'** discusses a resident having problems with her bin collection with such regularity that she had had to contact the council for a number of months in succession, at least once every two weeks, to have her bin collected. It eventually turned out that the refuse collection vehicle could not fit down the road, and so was skipping her house. This was an issue that should have been identified much sooner once the initial complaint had been made.

When a missed collection is reported, it is important for it to be collected promptly. The **example given in 'Imran's Story'** describes a missed collection that was meant to be on the 18th of December not being removed until the 15th of January. The advice given by the report is that councils ensure a reliable and effective service, particularly when collections are reduced to fortnightly or less. As councils strive to reduce the frequency of collections in order to both improve efficiencies and reduce waste to landfill APSE has consistently encouraged councils to be aware of the potential exacerbation of waste collection problems which are not remedied quickly. Residents are unlikely to be prepared to wait the next scheduled collection.

Complaint Handling

Many of the people whose stories are part of the report identify problems with the complaints process. This makes it harder for problems to be solved and increases frustration that the affected residents feel.

The example given is that of Ivan. His bin collection was missed 24 times, before finally being stolen after it had sat out for a week waiting to be collected. The council then refused to provide a new bin for free, which meant he then started taking his rubbish to a relative. The Ombudsman found that the council had not investigated the individual circumstances of Ivan properly, instead sending out a series of almost identical replies.

The advice from the report to councils is that they provide considered responses to complaints, taking into account individual circumstances, and that they should avoid stock responses. They should also learn from these complaints and use them as learning points to improve their service.

Again APSE has promoted the use of benchmarking data to monitor cost, quality and productivity in refuse collection and recycling. A key feature of a complaints and customer services process is to incorporate into that process repeated complaints so that further

detailed investigation can take place and systems and processes adapted to respond to the circumstances. The agility of a directly provided service to respond to complaints, rather than seeking a response from a third party, has been consistently cited by APSE to be a feature of agile in-house services. By contrast APSE's reports on [Insourcing](#) have found that unresponsiveness and low levels of customer satisfaction have been cited as key reasons for councils to insource their service.

Assisted Collections

People who are either elderly or have mobility problems often rely on an assisted collection service. This means any issues can affect them particularly badly, such as people having to struggle to collect their bin from the street or having to deal with a build-up of refuse. The report emphasises the need for councils to recognise this when things do go wrong.

APSE's benchmarking data has shown an increase in the overall numbers of the population requiring assisted bin collections which is not unsurprising given the growth in older people. This is a factor that has to be considered on a regular basis and should be informed by wider geographic data in planning future service demands and resource requirements.

Changes to Services

When a Local Authority makes changes to a service, they should anticipate and prepare for potential problems. There can also be issues with changes being communicated effectively with residents, leading to dissatisfaction.

The report provides a number of recommendations to councils looking to change their services

- Provide clear information, in advance, and in a variety of formats (website, meetings, posters etc.)
- Allow people a way to ask questions that will get answered.
- Ensure information is unambiguous and easy to find, such as giving a new collection calendar prominence in any material
- Ensure there are appropriate numbers of staff to deal with any questions and issues that arise from changes
- Local Councillors should be briefed on changes, so they know how to help their constituents.
- The council website should be up to date and information easily available.

3. Councillors – The role they can play.

The report provides a series of questions that it recommends councillors ask to ensure they are fully informed and able to scrutinise the way a council is carrying out its functions.

How does your council:

- *Make sure its refuse contractors are carrying out an effective service?*
- *Deal with complaints about its contractors?*
- *Make sure changes to the refuse and recycling service are introduced as smoothly as possible, and teething problems resolved as soon as possible?*
- *Ensure the refuse service is properly set up to provide an effective and reliable service?*
- *Listen to comments and concerns from residents about the service?*
- *Carry out effective monitoring?*
- *Learn from the outcomes of complaints to improve services, and share this with the public?*
- *Use the Ombudsman's reports and decisions to develop its own policy and practice?*

APSE recently published a report, which whilst focused on Scotland provides some useful lessons for the engagement of councillors and warns against the risk of de-politicisation. In [‘Doing local politics in Scotland’](#) APSE calls on the sector to *‘resist kneejerk temptations to depoliticise local policymaking in the name of pragmatism or managerialism’* and we argue that the work of the councillor *“is inherent to forging local settlements that can convert local demands into decisions and policy programmes”*. In this regard it is APSE’s view that councillors who are often at the forefront of having to deal with resident’s complaints are armed with both the facts of the service provision and have an essential role in establishing the policy parameters of a service and determining the outcomes that they wish to see for local residents; not just the short term outputs of a contractor relationship.

4. APSE Comment

Refuse collection and recycling services are essential services at a neighbourhood level and often they are one of the most visible and readily identifiable services provided by a council to their local residents. A damaged reputation in this service has the potential to impact across the board. Residents will not be appeased by excuses that it is the fault of a contractor. **Reputational risk can’t generally be transferred to a third party alongside statutory duties that are not capable of being delegated.** Local councillors will still be expected by their constituents to pick up complaints but may be frustrated by a lack of

direct intervention in remedying situations that arise with service delivery. Instead of being able to pick up a phone to the relevant operational manager that they de facto employ, they need to go through a process of contact with a contractor.

In all of these circumstances the monitoring of outsourced contracts can become both a time consuming and expensive business if done properly; this simply transfers assumed efficiencies from outsourcing to the cost of client side monitoring. The concept of a 'thin' or 'intelligent' client is often illusory and difficult to maintain; indeed there is a growing call for one of APSE Solutions' services which is the audit analysis of contractors performance and payments systems to monitor the sheer volume of additional variable payments in contracts; again a further source of cost inefficiency in outsourced services. Indeed this reflection of the inherent inefficiencies in client / contractor splits in service delivery – a hangover from compulsory competitive tendering – has been rejected by most modern management systems which approach service delivery in a far more holistic way ([see APSE briefing 12-51](#)). Nevertheless, such harsh splits of clients / contractors are in effect embedded in managing the relationship with external contractors.

Equally whilst citizens have a right to expect good neighbourhood level services APSE research with NPI ['Redefining Neighbourhoods: A future beyond austerity'](#) has found that these very services provided at a neighbourhood level have been the subject of budgets cuts of some £3.1 billion. It is therefore unsurprising that councils are tempted to look for 'quick fix' budget savings which is often promised as part of the sales pitch from outsourcing contractors. However, as highlighted by the Ombudsman, ineffective service delivery models will not only damage the reputation of the local council but will potentially increase both the costs of the service in remedying problems but also open up the prospect of compensatory payments.

The Ombudsman's report is therefore a useful reference point in considering future service direction and the problems of losing direct delivery control over vital frontline services.

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