Lifting the lid on bin complaints: learning to improve waste and recycling services

Focus Report: learning lessons from complaints
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Foreword from the Ombudsman

The way local authority services are delivered has changed radically over the last decade, and nowhere is this more evident than in the way our waste is collected. Councils have seen unprecedented budget challenges and had to find new ways to provide basic services. In many cases that has meant fundamental changes to the service that is provided, alongside an increasingly commercial approach to charging and contracting out.

Waste and recycling is one area where this commercialisation of services is most visible. According to WRAP, the resource efficiency organisation, 140 local authorities in England – around 40% – outsource their collection services to the private sector and the majority of councils pay waste companies in some sort of capacity.

Residents who were once used to having the council traditionally collect their rubbish every week, are often now seeing an outsourced service delivered at arms length by a contractor. And this is typically a service with less frequent collections, more segregation of waste and extra charges for services that were once free.

But with new approaches comes new challenges. We are upholding 81% of investigations about waste and recycling: a much higher proportion that in other areas. Whether the service is outsourced or not, this is too much – especially for a service that should be relatively simple to get right.

The fallout from contracting out collections runs through many of the stories in this report. A key theme is councils failing to have sufficient oversight of their contractors.

We see cases where people complain about issues, but the council blames the contractor and fails to ensure the problem is resolved. Or the council and the contractor may give contradictory information. Councils can contract out their waste service but cannot wash their hands of it.

Where people pay directly for some of their waste collections, these problems are further heightened. As with any commercial exchange, people who pay extra for a service expect it to run smoothly. When it doesn't, councils can expect those people to be more upset than usual. This report highlights where some councils have failed to respond properly to problems with paid-for services, and not appreciate the different relationship this charging factor creates.

As the Ombudsman, I recognise we only investigate a small fraction of collections. Councils in England manage more than 26 million tonnes of waste a year. Many thousands of bins are collected successfully every day in England, and most people receive a seamless service. We only see the tip of the iceberg, but the complaints we investigate tell the story of real public experiences behind the statistics. When things do go wrong, it's how councils put them right that matters.

By publishing this report, I hope we can help local authorities to learn from our investigations and help residents scrutinise their local services. The lessons from this report – particularly the oversight and effective monitoring of contractors – will be relevant for all councils witnessing the changing realities of outsourced service provision.

Michael King,
Local Government and Social Care Ombudsman
August 2017
Introduction

The Local Government and Social Care Ombudsman investigates unresolved complaints about local public services and registered adult social care providers. In this report we look at some of the common issues we find from our complaints about bin collections.

Waste collection is one of the few services which affect virtually everyone. For many people, it is the most visible council service they receive. We put out our waste bins and recycling boxes and the council takes the contents away.

It is a service we give little thought to... until it goes wrong. And, when it does go wrong it can lead to frustration, inconvenience and anger in a relatively short period of time.

Given the universal nature of the service there will always be the occasional problem. No council can guarantee there will never be a missed collection and it may not be realistic for people to expect this. But, people are entitled to expect the council, and its contractors, to quickly respond to reports of missed collections and take effective action to deal with problems.

Some of the common problems we see from our investigations include:

- Repeated missed collections; sometimes compounded by the infrequent nature of collections
- Poor complaint handling and problems monitoring reported issues
- Issues with assisted collections for those with disabilities or mobility problems

Many problems are linked to councils not retaining sufficient oversight of their third-party contractors, and not taking ownership of responding effectively to reported issues.

The stories in this report of people, who complained to us, include:

- a woman who had to phone her council every fortnight for three months just to get her rubbish collected
- a man who was taking his rubbish to a relative for more than three months because the council did not collect it
- a man receiving assisted collections who didn’t have his bin returned to the right place for 10 months.

We see a common theme through many of these complaints – councils failing to learn and people left to raise concerns time and again about the same problem.

We receive around 500 complaints and enquiries about bin collections every year and have seen a sharp increase in the number of these investigations we uphold. In the year 2016/17 we upheld 81% of waste-related investigations, compared with 59% in 2015/16. Our average uphold rate for all types of investigation last year was 53%. It is concerning we uphold, proportionately, so many complaints about a council service that should be relatively straightforward to deliver.

The report suggests ways councils can improve the service and their complaint handling, based on the learning from our casework. It will also help local councillors to support people in their area who raise queries about bin collections, and we provide a set of questions to help councillors scrutinise their local authority’s services.
Lifting the lid on bin complaints:

Councils have a duty to collect household waste and recycling free of charge. The collections do not have to be weekly and councils can decide the type of bins or boxes people must use. Councils can also make a charge to replace stolen or damaged bins.

Councils provide an assisted collection service for people who are unable to move their bins and boxes due to a disability or age. In such cases, councils should collect the bins from the storage point and return them to the same point.

Most councils also provide discretionary services to collect garden waste and bulky items. Councils increasingly charge for these services. Councils also charge to collect waste generated by businesses (commercial waste).

Many councils use a contractor to provide their waste and recycling services on their behalf. In such cases the council retains ultimate responsibility for ensuring the quality of the service and being accountable if things go wrong. The contractor may initially respond to reports of problems or complaints but the council retains ownership. Outsourced should not mean out of touch.

The law, policy and practice

Advice for households: complaining about refuse and recycling

If you have a problem with your service, you should follow these steps:

> Report it to the council as soon as possible. The council’s website should explain how to report a missed collection. If not, call them to find out how to report the problem.

> If the problem is not rectified in a reasonable period of time, make an initial complaint. This might be to the contractor or to the council depending on their process.

> If you are still dissatisfied, escalate your complaint with the contractor or council.

> Complain to the Local Government and Social Care Ombudsman if you are still unhappy after you have completed the local complaints procedure.

If our investigation finds the council did something wrong that caused an injustice, we will make recommendations for it to put things right. Our recommendations are designed to put people back in the situation they were in before the problem happened. The nature of refuse and recycling complaints usually means ensuring the service happens properly in the future.

We may recommend a modest payment to reflect the frustration caused and the time and trouble of having to complain to us.

Most importantly, we also look out for improvements to council policies and practices – things which, if changed, may help to avoid similar issues affecting others.

Missed collections are annoying, frustrating and inconvenient. But mistakes can happen and from time to time most people will have a missed collection, a lost bin or another problem with their waste collection. We need to make sure we use public money efficiently, so we would not investigate complaints where there have been just a couple of missed collections or other one-off problems.
Common problems

Contracting out services

Councils frequently arrange for private companies to provide the refuse collection service on their behalf. When this happens, it is important for the council to remember it retains responsibility for the service. And it is responsible if things go wrong. The contractor may provide an initial response if someone makes a complaint, but the person must be told of their right to escalate the complaint to the council, and to the Ombudsman, if they remain dissatisfied.

Miriam’s story

Miriam’s council contracted out its food, refuse and recycling collections. Within the contract, the private company agreed to collect missed collections the day after they are reported. The company is also responsible for responding to complaints at the first stage.

Miriam reported six missed collections over six months. Initially the contractor came back within one to two days but, as the problems continued, the service deteriorated and the contractor did not deal with the missed collection until the following week.

Miriam complained to the contractor. In response, the contractor gave an incorrect reason for the missed collection. When Miriam complained to the council, it upheld the complaint and found there had been a different reason for the missed collection. In short, the contractor blamed Miriam but the council found she had not done anything wrong. Each time Miriam complained about a run of missed collections, the service would improve for a while and then deteriorate.

We found the contractor was not properly collecting the refuse, recycling or food waste. Its complaint handling was poor and this made it harder for Miriam to resolve the problem.

How we put things right

The council agreed to:
- apologise and make a payment to Miriam
- monitor the collections properly for two months
- review how the contractor handles complaints to make sure its responses are accurate and evidence-based
- review how it deals with complaints after they have been considered by the contractor
Common problems

Monitoring

As part of their complaint response, councils often say they will do a period of monitoring. This can be done well but we sometimes find either the monitoring does not take place, or it is ineffective. This issue is common to many of the stories in this report.

Sometimes the monitoring does not have much reality beyond a statement in the complaint response. Monitoring is often an essential part of resolving a complaint and when done properly, it can lead to an improved service.

Asha’s story

Asha lives in an apartment block. The council provides each home with an individual caddy for food waste, to transfer to communal waste bins that are collected weekly. Asha contacted the council to report six missed collections. The council said it would monitor the collections for the next six weeks. But Asha had to make another complaint because the collections were still being missed. The council upheld her complaint and accepted there had been many missed collections. It did more monitoring. This did not solve the problem and Asha complained to us.

In response to our questions, the council said few missed collections had been identified during the monitoring. Asha, however, said the problem was on-going and there were eight more missed food collections after she contacted us. The council could not provide any records of the monitoring and it later transpired all the council did was check the missed collection reports and told the contractor to deal with it. This is not monitoring. Effective monitoring requires the council to actively check the collection has been completed. And, if the monitoring finds a missed collection, the council needs to find the cause and put it right.

How we put things right

The council agreed to:

- apologise to Asha and pay her £100
- properly monitor the food waste for 12 weeks and report the findings to Asha and to us
- consider taking photographs as part of a new monitoring regime

The new approach was effective, and after five months of proper monitoring Asha was receiving weekly collections.
Common problems

Paid-for services

Some councils charge for certain types of refuse collections. Unsurprisingly, when people have to pay extra, there are often higher expectations of the service and a heightened sense of frustration and injustice if something goes wrong.

Garden waste is a common service that was once free but now chargeable in some areas. Councils will usually also offer bulky item collections at a cost. Charges are unpopular but permitted, as these are not services councils are required to provide for free. Garden waste charges typically range from around £25 to £60 and buy collections for all or part of the year.

Ben’s story

Ben complained to the council after it failed to collect his garden waste on several occasions. Apart from the annoyance, it meant he had a bin full of rotting waste which stopped him from doing more gardening. The council suggested the problem was caused by the crews being uncertain of his house’s location. The council offered £75 and an assurance he would get a regular service once the crews had been reminded where he lives. The supervisor was asked to monitor the collection for six months.

Ben had to complain again three months later because his garden waste was still not being collected. The council said that after the first complaint it fined its contractor, and then notified the contractor of each missed collection.

In response to our investigation the council accepted there was a problem but was unsure of the reason. It again added the property to the supervisor’s checklist. It was unable to provide any evidence to show monitoring had taken place after the first complaint.

How we put things right

The council agreed to:
>
> apologise to Ben for the continuing poor service
> fine the contractor if there were any more missed collections
> monitor properly the service for six months
Common problems

Missed collections

Missed collections happen. But councils should make it easy for people to report missed collections and have clear information about how and when the missed collection will be dealt with. If councils do not collect rubbish every week then it is even more important that a missed collection is dealt with promptly.

Rachel’s story

The council collects Rachel’s rubbish every two weeks and her recycling every week. Over a period of three months the council only collected the rubbish once and missed several recycling collections. Rachel reported the problem by phone and on-line numerous times but nobody got in touch. She complained in writing. The council upheld her complaint and explained the problems were linked to its use of an external contractor. The council apologised but the problems continued. For another three months Rachel had to call the council every fortnight as it was the only way to get her refuse collected. Even then the collection was often a week late. Rachel complained to us.

In response to our investigation the council explained the contractor had been using a van which was too big to access Rachel’s road. The contractor allocated a smaller van to the route and the service improved. We found that, after the initial complaint, the council did not do enough to monitor the service even though it knew there was a problem.

How we put things right

The council agreed to:

> apologise to Rachel
> pay her a token amount in recognition of the poor service she received
> give Rachel details for an officer she could directly report any further missed collections to
> monitor her collections for six months

We were happy to hear from Rachel that the service subsequently improved and there had been no more missed collections.

Other residents also had issues with their collections, to the extent it was raised in the local press. We welcomed the fact that, while we were investigating, the council’s scrutiny panel discussed the problem and an action plan was agreed with the contractor to improve the service for everyone.
Common problems

Frequency of collections

Councils increasingly do not collect refuse every week. Quite often the rubbish and recycling are collected on alternate weeks. When rubbish is not collected every week, it is particularly important councils deal promptly with missed collections.

Imran’s council collects refuse every three weeks. There should have been a collection on 18 December but it was missed. Imran reported it via Twitter and was told the rubbish would be collected within 72 hours. It wasn’t and on 24 December he was told it would be collected by 28 December. This did not happen so Imran contacted the council again. He was told the collection would be by 31 December.

Imran made a complaint on 2 January – his rubbish had still not been collected. In response, the council told him the rubbish would be taken on 4 January. This, too, did not happen and the rubbish which should have been collected on 18 December, was finally removed on 15 January.

The council responded to the complaint in April. But the response was confusing and did not explain what had happened. The next response found the problem had been caused by poor service management and a lack of supervision. Imran complained to us.

Our investigation found the council’s policy said it should have returned within 48 hours to collect the rubbish. The combination of the three-week collection period and the delay in returning to collect the rubbish, meant Imran had no collection between late November and mid January. The council also handled his complaints poorly.

How we put things right

The council:

> accepted it was at fault for not collecting Imran’s rubbish promptly, and repeatedly missing new timescales for the collection
> apologised for the poor service and for the delay in responding to Imran’s complaints
> paid Imran a token amount to reflect his frustration, and the time and trouble in pursuing his complaint with us
Common problems

Complaint handling

Poor complaint handling can make it harder for residents to resolve their refuse problem and increase their sense of frustration. Sometimes councils take a standardised, formulaic approach that fails to address the specific circumstances when things go wrong.

Ivan’s story

Ivan lives in a street where there are few residential homes. He had no problems until the council introduced wheelee bins. His recycling collections were fine, but between June and November there were 24 missed collections of the general waste. Each time Ivan reported the missed collection but it was often days before the council collected it. On one occasion he had to wait three weeks.

Ivan complained but the problems continued, despite the council saying it was monitoring the situation.

In November there was another missed collection. His collection day was Monday but, by Friday, the bin was still out waiting for collection. The bin was then stolen. Ivan reported this and complained to his local councillor after the council said he would have to pay £20 to get a new bin. The council told the councillor that if Ivan did not pay £20 he would not receive a service.

Ivan did not pay the charge. He pointed out that the bin had only been left out for so long because the crews had not emptied it. He had no faith that he would get a reliable service even if he paid for the new bin. By the time Ivan contacted us in March he had not had a refuse collection since November – he had to take his rubbish to a relative.

We found the council’s complaint handling was poor. It had not investigated the individual circumstances of the complaint and had sent out complaint replies which were almost identical. There was nothing to suggest the council had followed its complaints procedure.

How we put things right

Following our investigation the council agreed to:

- give Ivan a bin without making a charge
- make a small payment for the inconvenience
- provide the refuse team with complaint handling training

We were pleased to hear that Ivan’s rubbish collections have since improved.
Common problems

Assisted collections

For people who are elderly or have mobility problems, assisted collection can be a vital service. The council collects the bins from where they are stored and returns them to the same place. In theory, this means the person should not have to do any more than put their rubbish in the bins. However, when things go wrong it can leave people struggling to retrieve containers from the street or having to deal with accumulations of waste.

Billy's story

Billy receives assisted collections. He contacted the council to report that for the last five months, the crew had not been returning his recycling bin. The council spoke to the service team and assured Billy the crew would return the bin to the correct point. The problem continued so Billy contacted the council again. The council gave exactly the same response. The problem continued. Billy spoke to the crew who said it takes too long to return the bin. He again contacted the council who apologised for the poor service and said it would monitor the crew.

Billy complained to us. We found the council had delayed resolving the problem. When Billy complained for the second time the council should have escalated the complaint to a manager rather than sending an identical response. Then, when the council said it would monitor the problem, it was unable to provide any evidence to show that it had done so. The problem had continued for about ten months and the council did not take any meaningful action until we intervened.

How we put things right

After we got involved the council began more vigorous monitoring and the service significantly improved. However, the council should have resolved the problem some four months earlier.

The council agreed to:

- apologise to Billy
- pay him £150 for the delay and inconvenience
- monitor the service for another four months and learn lessons about the way the complaint was handled
Common problems

Changes to services

From time to time councils may have to change how they deliver and manage the refuse and recycling service. This might involve relatively small changes about the boxes and bins, or be more wide ranging such as changing the collection day and who provides the service. For example, a council may decide to stop using its own staff and contract the service out to a third party.

Our experience shows when a service is changed, councils should anticipate and prepare for potential problems. We receive complaints about the new bins not being delivered; bins delivered in error not being collected; and the new service not being properly delivered. People have also complained about being unable to contact the council when the new service does not work and expressed dissatisfaction when their local councillor is unable to help. We have heard how frustrated people feel when they follow the council’s instructions to report a problem, but either cannot get through or feel ignored because the problem is not resolved.
Joginder’s council used to provide one free bin for garden waste and a second bin for £45 a year. Each year the garden waste service was suspended for six weeks in December and January. The £45 fee took this into account.

Joginder signed up for a second bin. He paid the fee but says the council did not send any documents. He thought he had bought the service for 46 weeks. He did not know the council had decided to suspend the collections from mid-November to mid-March.

Joginder complained the council did not tell him about the reduced service when he signed up. He only found out in the October when he got a reminder there would be no service from November to March. The council only updated its website in November.

The council told us that in the month before Joginder signed up, it had decided to extend the suspension period to seventeen weeks. It had intended to carry out a public consultation but this did not happen. The council explained it had sent renewal letters saying the service was under review. But we found evidence to suggest not everyone received them. In any case, by the time the council sent these letters it had already decided to extend the suspension so the case was no longer ‘under review’.

The council received 98 complaints. It treated them as a complaint against a policy decision and did not provide individual responses. Instead, it sent a similar response to each complaint and said it would not make any refunds because it had told renewal customers the service was being reviewed. It did issue a partial refund to new customers who signed up after the renewal notices had been issued.

Our investigation found that, had the council considered each of the 98 complaints individually, it would have known Joginder was not a renewing customer. We found the council had not told Joginder about the reduced service and there was no information on the website until shortly before the extended suspension began. We also found the council did not properly inform all the renewing customers – it merely said the service was under review.

How we put things right
The council:
  > apologised to Joginder for not telling him about the revised service and for not properly considering his complaint
  > agreed an appropriate refund for Joginder, at our request
  > offered an appropriate refund to all those who were not notified the service was being reviewed
  > offered the same discount on the charge for the next year, for everyone else who had been affected
Getting things right

From our investigations we have developed the following good practice points for councils:

> Ensure clear procedures are in place with any contractors to deal with complaints, making it clear the council retains oversight of any issues
> When problems with a service are detected, ensure any monitoring of the issue is meaningful and not just a tick-box exercise
> Understand problems with a paid-for service are likely to lead to a heightened sense of frustration – perhaps consider giving people a discounted rate or free collection period in future, in place of any that are missed
> Ensure a reliable and effective service, particularly when refuse collections are reduced to fortnightly or less
> Make sure people who have an assisted collection service are not left to struggle when things go wrong
> Provide considered responses when handling complaints – rather than stock responses
> Learn from complaints and implement those learning points
> Use our decisions and reports to develop good practice

When making changes to the service:

> Provide clear information about the changes well in advance and in a range of ways (for example website, direct notifications, meetings, press adverts, posters)
> Provide a way for people to ask questions and ensure an answer is provided
> Make sure the information is clear, unambiguous and easy to find. For example, make sure the new collection calendar is in a prominent place in the publicity material
Scrutiny and the role of councillors

Councils and all other bodies providing local public services should be accountable to the people who use them. The Local Government and Social Care Ombudsman was established by Parliament to support this. We recommend a number of key questions that councillors, who have a democratic mandate to scrutinise the way councils carry out their functions, can consider asking.

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?
The role of the Ombudsman

Local Government and Social Care Ombudsman investigates unresolved complaints about councils and other bodies providing local public services; and all adult registered adult social care providers. This includes any adult social care regardless of whether it is arranged or funded privately or through the council.

We share the learning from our complaints to help improve local public, and adult social care, services.

We are a free service. We investigate complaints in a fair and independent way - we do not take sides.

If we find something wrong, we make recommendations for the council or care provider to take action to put it right. What we ask the council to do will depend on the particular complaint, how serious the fault was and how the person was affected.

We have no legal power to force councils to follow our recommendations, but they almost always do.

Some of the things we might ask a service provider to do are:

- apologise
- pay a financial remedy
- improve its procedures so similar problems do not happen again
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