

Committee: Standards and General Purposes

Date: 3 November 2016

Subject: Annual Complaints and Member Enquiry Report 2015-16

Lead officer: Graham Owen, Interim Head of Information Governance

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Monica Coleman, Complaints Team Manager

Recommendations:

1. To note the contents of the report.
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1. Report and executive summary

- 1.1 This report gives CMT an overview of the performance of the council during 2015/16 in responding to complaints and members enquiries.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in supporting the improvement of those services.
- 1.3 The number of complaints and members enquiries received by the council has increased in the last three years which can be seen as a positive indication of how accessible our complaints process is.

2. Details

- 2.1 Complaints, including Local Government Ombudsman (LGO) complaints and member enquiries are monitored by the Complaints team. The data collected is used to provide the performance information in this report broken down by department. Performance for the number of complaints dealt with in time, the number of complaints escalated to Stage 2 and LGO complaints answered in time are corporate performance indicator.
- 2.2 The council's formal complaints procedure, which does not cover complaints subject to a statutory procedure, has two stages with the following response timescales:
 - Stage 1 within 20 working days; and
 - Stage 2 within 25 working days.
- 2.3 Social services are subject to a statutory complaints procedure. In Children's Social Care, the deadlines are
 - Stage 1 within 10 (up to 20) working days
 - Stage 2 within 25 (up to 65) working days

- Stage 3 within 30 working days.

Adult Social Care complaints have a one stage process with a deadline of 25 working days, which can be extended by 40 working days to a maximum of 65 working days.

- 2.4 There is a single point of contact for all telephone and email complaints provided by the Complaints team.

3. Complaints

- 3.1 The council received a total of 1159 Stage 1 and Stage 2 complaints in 2015/16, compared to 966 in 2014/15.

- 3.2 A total of 1078 Stage 1 complaints were received in 2015/16, a 17% increase over the 917 Stage 1 complaints received the previous year.

Stage 1	2015/16	2014/15	% change
Corporate Services	192	221	-13%
Children, Schools & Families	66	66	0%
Environment & Regeneration	722	557	+29%
Community & Housing	98	73	+34.2%
Total	1078	917	+17%

- 3.3 A total of 81 complaints were logged at Stage 2 across all departments, a 65% increase on 2014/15 when 49 Stage 2 complaints were received. The previous year there had been a 34.7% decrease.

Stage 2	2015/16	2014/15	% change
Corporate Services	19	12	+58%
Children, Schools & Families	5	6	-17%
Environment & Regeneration	53	29	+83%
Community & Housing	4	2	+100%
Total	81	49	+65%

- 3.4 No Stage 3 Children's Social Care complaints were received in 2015/16.

- 3.5 The council responded to 78.4% of Stage 1 complaints on time. This represents a significant decrease in performance from the 86.5% on time in 2014/15. There was also a decrease of 7% from 2015/16 in responding to Stage 2 complaints on time.

	% responses on time					
	2015/16		2014/15		% change	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
CS	91.6%	68%	98.6%	100%	-7%	-32%
CS&F	75.7%	80%	69.7%	66%	+6%	+14%
E&R	77.9%	90%	85%	86.2%	-7.1%	+3.8%
C&H	61.9%	50%	76.7%	50%	-14.8%	0%
Total	78.4%	82.7%	86.5%	89.3%	-8.1%	-6.6%

- 3.6 The council upheld or partially upheld 713 complaints: representing 61% of all complaints received during 2015/16. This is a similar figure to 2014/15 when 60% of complaints were upheld or partially upheld.

	2015/16		2014/15		% change	
	Upheld	Part Upheld	Upheld	Part upheld	Upheld	Part upheld
CS	35	46	49	53	-29%	-13%
CS&F	8	8	18	19	-55%	-58%
E&R	430	142	281	135	+53%	+5%
C&H	25	19	13	13	+92%	+46%
Total	498	215	361	220	+37%	-2.2%

- 3.7 179 compliments about departmental service delivery were received during the year. This is a 3.3% increase over the 173 received in 2014/15.

Compliments	2015/16	2014/15	Change
Corporate Services	53	58	-8.6%
Children's Schools & Families	36	17	+53.7%
Environment & Regeneration	51	45	+11.7%
Community & Housing	39	53	-35.8%
Total	179	173	+3.3%

- 3.5 The continued monitoring of complaint responses at Stage 1 has identified issues over the quality of some responses. Poorly prepared or inadequate responses can lead to complaints escalating. To help managers check that their replies address the issues and meet good practice standards, a data quality checklist is sent with the complaint to each officer responsible for drafting the response. Whilst few of these forms are returned to the

Complaints Team, they provide a useful tool in identifying if the Stage 1 response adequately addressed the complaint. The Complaints Team feedback to officers where it is felt that the Stage 1 response led to the complaint escalating to try to prevent this happening in future.

- 3.6 The Complaints Team have worked closely with service areas to identify trends or areas that need to be addressed. A Complaints Officer now attends monthly meetings of Children’s Social Care and Youth Inclusion’s senior management team to discuss any specific issues with dealing with complaints and member enquiries. This has resulted in improved performance in the service.
- 3.7 Compensation can be offered to complainants at Stages 1 or 2 as a remedy for injustice or as a payment for time and trouble to the complainant. During the year £880 was offered to complainants at this level - £280 more than the previous year of £600.

4. Informal and Policy Complaints

- 4.1 A complaint is logged as informal when it is deemed that a quick resolution of the problem is the main concern of the complainant rather than an investigation and written explanation. Informal complaints are particularly applicable in the resolution of complaints about Environment and Regeneration services such as waste collection and street cleaning. This is reflected in the significantly higher number of informal complaints logged against this department compared with others. Informal complaints decreased by 30% between 2014/15 and 2015/16.

Informal Complaints	2015/16	2014/15	Change
Corporate Services	7	18	-61.1%
Children, Schools and Families	0	39	-100%
Environment and Regeneration	337	440	-23.4%
Community and Housing	2	2	0%
Total	346	499	-30.6%

- 4.2 The table below gives a breakdown of informal complaints by service area.

	No.	Service
Corporate Services	7	1 CT invoice, 1 CT summons, 1 IT systems, 1 HB & 3 CT liability
Children, Schools & Families	0	N/A
Environment & Regeneration	337	303 Waste, 4 Planning, 3 Greenspaces, 2 Parking & 1 for all other services
Community & Housing	2	2 Housing

- 4.3 Policy complaints are defined as ‘expressions of dissatisfaction with the council’s policy in a specific service area’, as opposed to dissatisfaction with or failure of a service to meet standards. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are made aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal
- 4.4 The Complaints team have worked to ensure that when a complaint is classed a policy complaint, that the service user is signposted to the relevant policy.
- 4.5 28 policy complaints were received in 2015/16, the same number as was received in 2014/15.

Policy Complaints	2015/16	2014/15	% change
Corporate Services	2	3	-50%
Children, Schools and Families	0	0	0%
Environment and Regeneration	26	23	+13%
Community and Housing	0	2	-100%+
Total	28	28	0%

- 4.6 Of the 26 policy complaints received in Environment and Regeneration, seven related to Parking Services, four to Garden Waste, three to Greenspaces whilst other complaints concerned all other services.

5. The services customers complain about

- 5.1 The areas that customers complained about the most at Stage 1 are shown in the table below.

Service	Number	% of total received
Waste (Refuse)	167	15.4%
Waste (Garden)	129	11.9%
Waste (Food)	86	7.9%
Revenues	78	7.2%
Waste (Recycling)	67	6.2%
Waste (Street Cleaning)	65	6%

6. Local Government Ombudsman (LGO) Enquiries

- 5.1 The Annual Review letter from the LGO is attached as **Appendix A**. The LGO received 79 complaints and enquiries about the council’s services during

2015/16. This is 19 less than in 2014/15. Please note that the LGO statistics do not match the Council's data due to the way in which data is interpreted by the LGO. For example, the LGO statistics include enquiries from people they signpost back to the authority, but who may never contact the Council.

- 5.2 In 2015/16 10 complaint investigations took place (17 in 2014/15) and 25 complaints were closed after initial enquiries (30 in 2014/15).
- 5.3 Of the 10 cases that the LGO investigated, 6 (60%) were upheld. This is an increase on the 2014/15 figure when 41% of cases were upheld (7 out of 17).
- 5.4 A breakdown of investigations made by the LGO during the year is attached as **Appendix B**.
- 5.5 The Complaints team monitors the response deadlines set by the Ombudsman in their communications with the council. The council met 85% of the deadlines on time.
- 5.6 Compensation payments in this financial year are detailed below, please note that these investigations may have commenced in the previous year.

Service Area	Compensation
Planning	£2839
Planning	£800
Adult Social Care	£875
Adult Social Care	£550
Housing	£1200

- 6.7 In total, £6,264 was paid following decisions made by the LGO. The majority of payments were to compensate complainants for the financial impact of the complaint, council failings and distress.

7. Benchmarking

- 7.1 The Complaints team attends London wide complaints forums considering best practice issues and it contributes to the London Complaints Managers Group, which works with the LGO and other agencies.
- 7.2 Attempts have been made over the past year to develop meaningful benchmarking data but it is difficult to draw conclusions because the recording of complaints continues to vary between councils due to the different complaints procedures and different ways of managing dissatisfaction.

8. Members and MP Enquiries

8.1 During the year 2,586 Member and MP enquiries were received, via the members' enquiry inbox. This represents a 6% decrease on 2014/15 when 2,775 enquiries were received. MP enquiries make up around 60% of all enquiries. The figure is not a reflection of all member activity, as it does not include enquiries made by members directly to officers, which are dealt with as business as usual.

8.2

Department/Service Area - Majority of Enquiries	2015/16	2014/15	% change
Corporate Services (218 Revenues & Benefits)	271	370	-26.7%
Children Schools and Families (42 Schools admissions & 64 social work)	154	145	+5.8%
Environment and Regeneration (405 Traffic & Highways, 399 Waste Services)	1,375	1,395	+1.4%
Community and Housing (Housing Needs 633)	786	869	+9.55%
Total	2,586	2,775	+6.8%

9. Service improvements and learning from complaints

9.1 Complaints are a valuable source of customer insight and are being used by services to help them identify areas for improvement. The Complaints team seeks feedback from complainants by sending a feedback form with the complaint acknowledgement. The return rate for these is poor but of those returned, it is clear that the main issues are poorly written letters, the responses not answering all the points raised and complainants not being informed of how to escalate their complaint.

9.2 There has been a continuing focus by the Complaints team on working with service managers to use complaints as a useful feedback on customer concerns which help them to identify and prioritise service improvements.

9.3 As well as helping identify improvements for services, the Complaints team has been focussing on improving how managers handle complaints. Work continues with business partners to try and improve services' responses at Stage one.

- 9.4 Where complaints investigations have identified issues around professional practice, procedure or individual performance, these have been taken up with the relevant service managers.
- 9.5 In Revenues and Benefits, if a complaint is received about staff attitude on the phone, a member of the Complaints team will listen to the call to ensure the Stage 1 response is fair and unbiased and that if the complaint escalates to Stage 2, it will not be because the issue has not been investigated thoroughly.
- 9.6 Following an Adult Social Care complaint the service is now implementing a new way of communicating with service users to include advice to contact hosting borough of care home once capital is below threshold
- 9.7 Complaints are a central component of the new Ofsted inspection framework and we are required to evidence organisational learning from complaints and customer feedback. Detailed information on complaints about the Children, Schools and Families department during 2015/16 is held on file and is available should it be required in the event of an inspection.
- 9.8 The Head of Information Governance attends the DMTs every two months to maintain the profile of complaint handling by service managers and to discuss areas where performance needs to be addressed.

10. Next Steps

- 10.1 The Complaints team will be reviewing the corporate complaints procedure to be completed by 1 April 2017.
- 10.3 The Complaints team will be reviewing the feedback sent to the departmental management teams, to ensure it meets their needs.
- 10.4 As part of the Customer Contact Programme a new management system (CRM) is due to be going live at the end of 2016. As part of this project, informal complaints will be removed in their entirety and managed as a request for services by the individual services.
- 10.5 The Complaints Manager will prepare a detailed annual complaint report for each department in order to promote learning from complaint and to establish on what services complaints are made most about and how to reduce these.

11. Alternative options

- 11.1 Not applicable.

12. Consultation undertaken or proposed

- 12.1 The Complaints Officers were consulted on this report.

13. Timetable

13.1 The LGO annual letter was received at the end of July 2016.

14. Financial, resource and property implications

14.1 During the year a total of £7144 was offered to complainants either as a local settlement or following decisions by the LGO, mainly for time and trouble payments.

14.2 Stage 2 complaints that are subject to the Children Act regulations require an independent investigator and an independent person to be appointed. In 2015/16, one Stage 2 complaint was made, at a cost of £1674. Close monitoring of Stage 2 and 3 social care complaints is in place to ensure costs represent value for money.

15. Legal and statutory implications

15.1 The council has a number of legal and statutory obligations in relation to Adults and Children's social care complaints.

15.2 There is no statutory requirement to publish this report.

16. Human rights, equalities and community cohesion implications

16.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.

16.2 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer.

17. Risk management and health and safety implications

17.1 Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.

18. Appendices – the following documents are to be published with this report and form part of the report

18.1 Appendix A: Annual Review Letter of the LGO
Appendix B: Breakdown of LGO complaints received

19. Background Papers

19.1 None

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