

Standards and General Purposes Committee

Date: 7 November 2019

Subject: Complaints & Member Enquiries 2018/19

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Contact officer: Monica Coleman, Complaints Team Manager x3573

Recommendations:

This report is for information only.

1. Executive summary

- 1.1 This report gives an overview of the performance of the council during 2018/19 in responding to complaints and member 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 both supporting the improvement of those services and holding services to account.
- 1.3 The number of complaints and member enquiries received by the council continues to increase year on year.

2. Details

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) enquiries and member enquiries are monitored by the Complaints team, who provide a single point of contact for complaints by phone, email or letter.
- 2.2 Performance for the number of complaints dealt with in time; the number of complaints escalated to Stage 2; and LGSCO enquiries answered in time, are corporate performance indicators.
- 2.3 The council's complaints response timescales (excluding social care complaints) are as follows:
 - Stage 1 within 20 working days; and
 - Stage 2 within 25 working days.
- 2.4 Social Care complaints are subject to statutory procedures. Adult Social Care complaints have a one stage process with a response deadline of 25 working days, which can be extended to a maximum of 65 working days. A separate

report is included on performance in relation to Adult Social care complaints, see Appendix A. In Children's Social Care, the timescales are:

- Stage 1 within 10 (up to 20) working days;
- Stage 2 within 25 (up to 65) working days; and
- Stage 3 within 30 working days.

3. Complaints

3.1 The overall total shows a 7% increase for complaints received (Stage 1, 2 and policy, including social care complaints) from 1,765 in 2017/18.

	Stage 1	Stage 1 social care	Policy	Stage 2	Totals
Children, Schools and Families	43	14	0	9	66
Community and Housing	30	47	0	1	78
Corporate Services	204		1	22	227
Environment and Regeneration	1,313		58	152	1,523
Totals	1,590	61	59	184	1,894

3.2 In 2018/19 1,590 non-social care Stage 1 complaints were received. A slight decrease of 0.75% from 2017/18 of 1,602. However, it must be noted that the year before of 2016/17 had a 93% increase in Stage 1 complaints.

Stage 1 Non-Social Care Complaints	2016/17	2017/18	2018/19	% change from 2017/18	% of borough complaining*
Children, Schools & Families	47	47	43	-9%	0.05%
Community & Housing	77	41	30	-27%	0.03%
Corporate Services	166	153	204	+33%	0.24%
Environment & Regeneration	540	874	1,313	+50%	1.56%
Total	830	1,602 inc. CRM	1,590	-0.75% increase	1.89%

*Based on 83,950 properties in the borough

Due to the way in which the CRM system recorded complaints for part of 2017/18 only, there were a number of complaints that were logged but not allocated to a service therefore the percentage increase in statistics for departments may not be accurate.

- 3.3 A total of 184 complaints were escalated to Stage 2 across all departments in 2018/19. A 67% increase on 2017/18 representing 11% of all Stage 1 complaints being escalated, against a target of no more than 9%. This is also a 229% increase in Stage 2 complaints from 2016/17.

Stage 2	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	1	7	9	+29%
Community & Housing	1	1	1	0%
Corporate Services	12	15	22	+47%
Environment & Regeneration	42	67	152	+127%
Total	56	90	184	+104%
Total including CRM figures		110*		+67%

* CRM data so may not be accurate

- 3.4 In 2018/19, 42 Stage 1 social care complaints were received.

Stage 1 Social Care	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	14	12	14	+17%
Community & Housing	21	30	47	+57%
Total	35	42	61	+45%

- 3.5 One Stage 2 Social Care complaint was received in 2018/19 but was withdrawn as it was discovered that it did not meet the criteria to be investigated under the Social Care regulations. No Stage 3 Social Care complaints were received.

- 3.6 In-time complaints responses (including social care) decreased at both Stage 1 and Stage 2 from 2017/18 with a 20% drop in performance at Stage 1 and 33% drop in performance at Stage 2.

	% responses on time			
Stage 1 Complaints – see 3.2 for numbers received	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	57%	57%	42%	-15%
Community & Housing	69%	56%	65%	+9%
Corporate Services	96%	89%	81%	-8%
Environment & Regeneration	88%	50%	42%	-8%
Total	86%	67%	47%	

	% responses on time			
Stage 2 Complaints – see 3.3 for numbers received	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	0%	71%	33%	-38%
Community & Housing	100%	0%	100%	+100%
Corporate Services	100%	53%	41%	-12%
Environment & Regeneration	83%	57%	54%	-3%
Total	86%	86%	53%	

- 3.7 Complaints being upheld or partially upheld has increased at stage one as services are more readily accepting fault where it has occurred. The local offer of compensation totals £1,105 compared to £384 offered in 2017/18.

All Complaints	2016/17 upheld	Part upheld	2017/18 Upheld	Part upheld	2018/19 Upheld	Part upheld
Children, Schools & Families	18%	29%	9%	30%	30%	54%
Community & Housing	1%	26%	18%	24%	26%	32%
Corporate Services	22%	35%	16%	18%	19%	19.3%
Environment & Regeneration	55%	18%	51%	11%	68%	16%
Total	41%	23%	30%*	10%*	58%	14%
Total complaints upheld or part upheld	64%		59%*		72%	

* CRM data so may not be accurate

- 3.8 The Complaints team have been working closely with service areas to identify trends or areas that need to be addressed.
- 3.9 The services that customers complained about most frequently at Stage 1 are shown in the table below.

Service	2017/18	2018/19
Waste (Refuse)	245	380
Waste (Wheelie Bins)	N/A	238*
Waste (Garden)	126	160
Waste (Recycling)	79	144
Revenues	61	98
Waste (Street Cleaning)	78	78
Waste (Food)	92	75
Waste (other)	54	60
Planning	39	41
Waste (bulky)	0	29*
Benefits	39	23

*Policy change

4. Compliments

- 4.1 Compliments received by departments and logged by the Complaints team have increased by 161%. Some teams receive compliments directly so unless they are forwarded on to the Complaints team they are not logged.

Compliments	2016/17	2017/18	2018/19
Children's Schools & Families	31	20	42
Community & Housing	36	27	103*
Corporate Services	28	17	38
Environment & Regeneration	57	21	45
Total	152	85	222

*98 were for Adult Social Care

5. Policy Complaints

- 5.1 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. No requests for policy complaints to be escalated were received in 2018/19.

- 5.2 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.
- 5.3 59 policy complaints were received in 2018/19. This is a 181% increase from the 21 received in 2017/18.

Policy Complaints	2016/17	2017/18	2018/19
Children, Schools and Families	1	0	0
Community and Housing	1	0	0
Corporate Services	2	0	1
Environment and Regeneration	17	21	58
Total	21	21	59*

* 51 complaints in relation to the new waste policy

6. Local Government and Social Care Ombudsman (LGSCO) Enquiries

- 5.1 The Annual Review letter from the LGSCO (published on the Ombudsman’s website) and local report has previously been presented to CMT and are attached as Appendix B and C.
- 5.2 The LGSCO received 106 enquiries about complaints against the council in 2018/19, a 13% increase from 94 in 2017/18.
- 5.3 The council received 52 ‘Decisions’ in 2018/19, however some of these decisions are made without any council input i.e. outside of jurisdiction.
- 5.4 The figures given by the LGSCO are 31 detailed investigations, with 22 decisions upheld in the same period (noting that some investigations may have commenced in the previous year and some may have not yet had a response) which gives a 71% upheld rate. It is common across the country to have a different number of detailed investigations from the LGSCO due to the way in which they record contact.
- 5.5 A total of £4,745 compensation or as a remedy was paid to complainants from service budgets, an increase of 41% from £3,375 the previous year. This was made up of £3,850 paid to complainants for time and trouble, distress or uncertainty following LGSCO decisions and £895 for either missed service provision or repayment of service charges.

5.6 A detailed breakdown of each payment can be seen as Appendix C with the breakdown by service as follows.

Service area	Amount of compensation ordered by LGSCO	
	2017/18	2018/19
Planning	£150	£0
Traffic and Highways	£0	£100
Council Tax Recovery	£150	£545
Education (SEN)	£1,900	£1,150
Children's Social Care	£0	£1,350
Housing	£200	£1,250
Greenspaces	£75	£0
Adult Social Care	£900	£350
Total	£3,375	£4,745

5.7 In 2018/19, the LGSCO introduced an additional requirement for councils to provide evidence of how they had carried out their recommendations.

5.8 In the Annual Letter for 2018/19 the LGSCO has stated that the council's handling of their enquiries was similar to the previous year 2017/18 with the same issues occurring; that the council was slow to implement the recommendations made; took too long to respond; and responses have not addressed matters fully. The LGSCO explains that such delays erode the confidence of complainants that their concerns are being taken seriously and has asked the council to take the necessary steps to address their concerns and review the council's complaint handling.

5.9 The response rate for LGSCO enquiries is 67% in time against the target of 90%.

Department	Received	In time	
Children, Schools and Families	3	2	67%
Community and Housing	13	7	54%
Corporate Services	9	7	78%
Environment and Regeneration	11	8	73%
Total	36	24	67%

5.10 The LGSCO has published some trend analysis of complaints it has investigated at <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

- 5.11 The table below shows the number of enquiries* received by the LGSCO by neighbouring authorities.

Authority Name	Total
London Borough of Bromley	139
London Borough of Croydon	213
London Borough of Merton	117
London Borough of Sutton	72
Royal Borough of Kingston upon Thames	61

*numbers may not be accurate due to the way in which the LGSCO / council records enquiries and some may not have ever been to the council.

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 LGSCO and other agencies.
- 7.2 This group are developing benchmarking statistics across all services, which Merton have already contributed to.

8. Member and MP Enquiries

- 8.1 During 2018/19 4,614 Member and MP enquires were received, a 56% increase from 2017/18.
- 8.2 Enquiries from the two Merton MPs make up around 56% 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. Members are strongly encouraged to use the member enquiry service to ensure their enquiry is logged and performance can be reported and enable trends to be identified.

Department & Service Area with majority of enquiries	2016/17	2017/18	2018/19	% change from 2017/18
Children Schools & Families / Schools admissions & social work	124	128	190	+48%
Community and Housing / Housing Needs	1,049	849	1,104	+30%
Corporate Services / Revenues & Benefits	304	295	337	+14%
Environment & Regeneration / Traffic & Highways & Waste Services	1,495	1,677	2,983	+78%
Total	2,972	2,949	4,614	+56%

9. Service improvements and learning from complaints

- 9.1 There has been a continuing focus by the Complaints team on working with service managers to use complaints as useful feedback on customer concerns which help them to identify and prioritise service improvements.
- 9.2 It can be difficult to show that service improvements are a direct result of complaints, however, consideration of common complaints has influenced priorities in publishing information, i.e. policy documents / statements on the website.
- 9.3 Where complaints investigations have identified issues around professional practice, processes or individual performance, these have been taken up with the relevant service managers.
- 9.4 The Complaints Team Manager attends departmental management teams to maintain the profile of complaint handling by service managers and to discuss areas where performance needs to be addressed.
- 9.5 Members of the Complaints team attend service meetings on a regular basis to discuss particular complaints and how best to manage their progress.

10. Next Steps

- 10.1 The Complaints Team Manager is working with the Ombudsman to try to mitigate complaints escalating and reducing the number of cases where fault is found against the council by working to improve the investigation of the complaints and remedies offered.
- 10.2 There is an increased focus on responding to LGSCO enquiries promptly; ensuring all matters raised in the enquiry are addressed fully; and any recommendations are implemented in line with the LGSCO timescales.
- 10.3 The Ombudsman offers a number of training courses for service specific areas e.g. Planning and children's social care and also a more general course on effective complaint handling, which the council will be providing for relevant officers.
- 10.4 The Complaints team will be reviewing the feedback sent to the departmental management teams, to ensure it meets their needs.
- 10.5 The Complaints team has asked that they are informed of any planned changes to any services, so they can work with the service areas to develop standard responses in advance.
- 10.6 Information from member enquiries and freedom of information requests is being used to inform the publication of frequently requested data sets.
- 10.7 Benchmarking against other councils is planned in relation to LGSCO enquiries.

10.8 Managers have been reminded to send compliments to the Complaints team so they can be logged.

10.9 The biennial review is planned of the Complaints Policy.

11. Alternative options

11.1 Not produce or publish this report.

12. Consultation undertaken or proposed

12.1 The Complaints Officers and the Corporate Management team were consulted on this report.

13. Timetable

13.1 The LGSCO annual letter was received on 26 July 2019.

14. Financial, resource and property implications

14.1 Compensation at service level was £1,105 and compensation awarded by the Ombudsman was £4,475, totalling £5,580.

Service area	Total amount of compensation paid 2018/19
Waste	£175 (1x£100, 1x£25 and 1x£50)
SEN	£150 (1 payment)
Bailiffs (council tax)	£450 (1x£300,1x£150)
CSF (data breach)	£30 (1 payment)
Revenues (deferred payment scheme)	£300
Total	£1,105

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, however the council chooses to publish to demonstrate transparency.

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. There were two in 2018/19 that required review. One was in relation to transphobia and was not upheld. The other was in relation to disability and was upheld as Waste Services did not make reasonable adjustments for the service user in a reasonable amount of time.

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.
- 17.2 There is a risk that the Local Government and Social Care Ombudsman will report against the council which means the report is published outlining the council's failures.

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

- 18.1 A. Adult Social Care Complaints Annual Review
- 18.2 B. LGSCO Annual Review Letter
- 18.3 C. LGSCO report 2018/19.

19. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 19.1 None

20. Report author

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