

## Standards and General Purposes Committee

**Date: 23 March 2021**

Subject: Complaints & Member Enquiries 2019/20

Lead officer: Monica Butler, Complaints Team Manager

Lead member: Councillor Tobin Byers, Cabinet Member for Finance

Contact officer: Monica Butler, Complaints Team Manager x3573

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### **Recommendations:**

This report is for information only.

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#### **1. Executive summary**

- 1.1 This report gives an overview of the performance of the council during 2019/20 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 Previously, the number of complaints and member enquiries received by the council increased year on year, but this year there has been a decrease in both complaints and member enquiries, particularly in the area of Waste Services, which should be seen as a positive outcome of learning from previous complaints and the service review.

#### **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 (ASC) 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, see Appendix A for the Adult Social Care Complaints Annual Review . In Children’s Social Care, the timescales are below, see Appendix B for the Children’s Social Care Complaints Annual Review:

- 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 number of complaints is 997 in 2019/20. This represents a 47% decrease for complaints received (Stage 1, 2 and policy, including social care complaints) from 1,894 in 2018/19. This significant decrease is largely attributable to the new waste services contract becoming embedded in addition to the Greenspaces changes.

	Stage 1	Stage 1 social care	Policy	Stage 2	Totals
Children, Schools and Families	52	11	0	12	<b>75</b>
Community and Housing	39	46	2	3	<b>90</b>
Corporate Services	134		8	13	<b>155</b>
Environment and Regeneration	587		38	52	<b>677</b>
<b>Totals</b>	<b>812</b>	<b>57</b>	<b>48</b>	<b>80</b>	<b>997</b>

3.2 A total of 80 complaints were escalated to Stage 2 across all departments in 2019/20. A 57% decrease on 2018/19 representing 10% of all Stage 1 complaints being escalated, against a target of no more than 9%. In 2018/19 there were many complaints being escalated due to the new Waste Services contract, these issues were mostly resolved.

Stage 2	2017/18	2018/19	2019/20	% change from 2018/19
Children, Schools & Families	7	9	12	+33%
Community & Housing	1	1	3	+200%
Corporate Services	15	22	13	-41%
Environment & Regeneration	67	152	52	-66%
<b>Total</b>	<b>90</b>	<b>184</b>	<b>80</b>	<b>-57%</b>

3.4 In 2019/20, 55 Stage 1 social care complaints were received.

<b>Stage 1 Social Care</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>% change from 2018/19</b>
Children, Schools & Families	12	14	11	-21%
Community & Housing	30	47	46	-2%
<b>Total</b>	<b>42</b>	<b>61</b>	<b>55</b>	<b>-10%</b>

3.5 One Stage 2 Social Care complaint was received in 2019/20 and progressed to an independent investigation and was partially upheld. The complainants were awarded £100 for the time taken to complete the adjudication. No Stage 3 Social Care complaints were received.

3.6 The number of complaints responses provided in time (including social care and policy) for the council improved at both Stage 1 and Stage 2 in 2019/20 with a 38% increase in performance at Stage 1 and 17% increase in performance at Stage 2.

	<b>% responses on time</b>			
<b>Stage 1 Complaints – see 3.1 for numbers received</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>% change from 2018/19</b>
Children, Schools & Families	57%	42%	40%	-2%
Community & Housing	56%	65%	74%	+9%
Corporate Services	89%	81%	80%	+1%
Environment & Regeneration	50%	43%	92%	+50%
<b>Total</b>	<b>67%</b>	<b>47%</b>	<b>85%</b>	<b>+38%</b>

	<b>% responses on time</b>			
<b>Stage 2 Complaints – see 3.2 for numbers received</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>% change from 2018/19</b>
Children, Schools & Families	71%	33%	75%	+42%
Community & Housing	0%	100%	100%	0%
Corporate Services	53%	41%	69%	+-38%
Environment & Regeneration	57%	54%	100%	+46%
<b>Total</b>	<b>86%</b>	<b>53%</b>	<b>70%</b>	<b>+17%</b>

3.7 The percentage of complaints being upheld or partially upheld has decreased. The local offer of compensation at stage one and stage two totals £4,650 compared to £1,105 offered in 2018/19.

All Complaints	2017/18 Upheld	Part upheld	2018/19 Upheld	Part upheld	2019/20 Upheld	Part upheld
Children, Schools & Families	9%	30%	30%	54%	38%	42%
Community & Housing	18%	24%	26%	32%	24%	29%
Corporate Services	16%	18%	19%	19.3%	20%	27%
Environment & Regeneration	51%	11%	68%	16%	60%	15%
<b>Total</b>	<b>30%*</b>	<b>10%*</b>	<b>58%</b>	<b>14%</b>	<b>48%</b>	<b>20%</b>
<b>Total cComplaints upheld or part upheld</b>	<b>59%*</b>		<b>72%</b>		<b>68%</b>	

\* CRM data so is not accurate

3.8 The services that customers complained about most frequently at Stage 1 are shown in the table below.

Service	2017/18	2018/19	2019/20
Waste (Refuse)	245	380	142
Waste (Wheelie Bins)	N/A	238*	43
Waste (Garden)	126	160	87
Waste (Recycling)	79	144	56
Revenues	61	98	52
Waste (Street Cleaning)	78	78	52
Waste (Food)	92	75	19
Waste (other)	54	60	42
Planning	39	41	31
Waste (bulky)	0	29*	10
Benefits	39	23	20
Parking & CCTV	29	26	43
Enforcement Agents	25	36	24

\*Policy change this year

## 4. Compliments

4.1 Compliments received by departments and logged by the Complaints team have stayed static. Some teams receive compliments directly so unless they are forwarded on to the Complaints team they cannot be logged.

Compliments	2017/18	2018/19	2019/20
Children's Schools & Families	20	42	28
Community & Housing	27	103	105
Corporate Services	17	38	26
Environment & Regeneration	21	45	61
<b>Total</b>	<b>85</b>	<b>222</b>	<b>220</b>

## 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 against the decision to log a complaint as a policy complaint. One request to escalate a policy complaint was received in 2019/20, it was not upheld. The policy was related to the decision to contract out Waste Services.
- 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 48 policy complaints were received in 2019/20. This is a 18% decrease from the 59 received in 2018/19.

<b>Policy Complaints</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Children, Schools and Families	0	0	0
Community and Housing	0	0	2
Corporate Services	0	1	8
Environment and Regeneration	21	58	38
<b>Total</b>	<b>21</b>	<b>59*</b>	<b>48</b>

\* 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 LGSCO website and the council’s website and local report is attached as Appendix C.
- 5.2 The LGSCO has published some trend analysis of complaints it has investigated on its website.
- 5.3 The table below shows the number of enquiries\* received by the LGSCO by neighbouring authorities.

<b>Authority Name</b>	<b>Total</b>
London Borough of Bromley	148
London Borough of Croydon	201
London Borough of Merton	91
London Borough of Sutton	69
Royal Borough of Kingston upon Thames	60

\*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 attend the 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. This information is not yet available as it was put on hold due to the pandemic but Merton remains committed to being part of the benchmarking.

## 8. Member and MP Enquiries

- 8.1 During 2019/20 3,618 Member and MP enquires were received, a 22% decrease from 2018/19. This is due to the decrease in Waste enquiries relating to the Waste Services contract.
- 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.

<b>Department &amp; Service Area with majority of enquiries</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>% change from 2018/19</b>
Children Schools & Families / Schools admissions & social work	128	190	158	-17%
Community and Housing / Housing Needs	849	1,104	973	-12%
Corporate Services / Revenues & Benefits	295	337	251	-26%
Environment & Regeneration / Traffic & Highways & Waste Services	1,677	2,983	2,236	-25%
<b>Total</b>	<b>2,949</b>	<b>4,614</b>	<b>3,618</b>	<b>-22%</b>

## 9. Service improvements and learning from complaints

- 9.1 As in previous years, there has been a continuing focus by the Complaints team on working with service managers to use complaints as a way of identifying concerns and prioritise service improvements.
- 9.2 Where there has been a theme or complaints that have common features, these often influence service changes in the future such as changes in

information available on our website, new policy documents or how cases are managed.

- 9.3 Where complaints investigations have identified issues that do not fall under the corporate or statutory complaints procedure i.e. professional against professional, these have been noted for inclusion into the complaints policy.
- 9.4 Where there has been an investigation by the LGSCO that has been upheld, there is now a requirement to satisfy remedies before the case can be closed. This has ranged from monitoring waste collections for several months, amending wording on our website to repaying incorrectly charged fees.
- 9.5 Weekly lists of overdue complaints is sent to all departmental management teams to maintain the profile of complaint handling by service managers. There is also regular attendance at the departmental management teams to discuss areas where performance needs to be addressed.
- 9.6 Members of the Complaints team attend service meetings on a regular basis to discuss particular complaints and how best to manage their progress, with a focus on informal resolution.

## **10. Next Steps**

- 10.1 The Complaints Team Manager continues to work with the LGSCO to try to prevent complaints from 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; trying to resolve the issues locally and any recommendations are implemented in line with the LGSCO timescales.
- 10.3 The LGSCO 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. There are two sessions planned for effective complaint handling in March and April 2021.
- 10.4 The Complaints team will be reviewing the upheld outcomes of complaints to ensure the actions are carried out.
- 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 Managers have been reminded to send compliments to the Complaints team so they can be logged.
- 10.9 The biennial review of the Complaints Policy has been delayed but is planned for 2021/22.

## 11. Alternative options

- 11.1 Not provide a non-statutory complaints process. This would be contrary to the council's aspiration to provide customer focussed services.

## 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 22 July 2020. However, the LGSCO has commented that they are aware that local authorities have been responsible for many areas in dealing with the global pandemic and would not expect authorities to be able to react as they usually would in circulating comments.

## 14. Financial, resource and property implications

- 14.1 Payments awarded locally at stage one and two of the council's formal complaints process totalled £4,650.

Department	Stage 1	Stage 2
Community and Housing	£0	£0
Corporate Services	£300	£400
Children Schools & Families	£0	£3,700
Environment & Regeneration	£0	£250
<b>Total</b>	<b>£300</b>	<b>£4,350</b>

- 14.2 Payments made as a result of investigations by the LGSCO totalled £18,189. This included payments for lost provision, returning incorrect Enforcement agent fees. This is a significant increase on the payments made in 2018/19 of £1,105.

- 14.3 Compensation awarded to complainants as a result of upheld LGSCO investigations totalled £2,400 down from £4,475 in 2018/19.

Department	Payment	Compensation
Community and Housing	£5,000	£200
Corporate Services	£9,289	£700
Children Schools and Families	£3,900	£500
Environment & Regeneration	£0	£1000
<b>Total</b>	<b>£18,189</b>	<b>£2,400</b>



## **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. In 2019/20 there were 14 complaints alleging discrimination, a significant increase on 2018/19 of two. However, only two of these complaints were upheld because it was agreed that the council should have provided information in an adjusted format.

## **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 LGSCO 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. Children's Social Care Complaints Annual Review
- 18.3 C. LGSCO local report

## **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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