

Committee: Standards Committee

Date: 26 February 2013

Agenda item: 6

Wards: All

Subject: Annual Complaints report

Lead officer: Karin Lane, Head of Information

Lead member: Independent Chair of the Standards Committee

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Recommendations:

A. That Members note the contents of the report.

1. Purpose of report and executive summary

- 1.1 Complaints are a valuable tool in helping to understand resident's and customers expectations of service delivery and should be an essential part in identifying service improvements across the council. This overview of the issues residents and customers felt strongly enough to complain about should assist this process.
- 1.2 By publishing the annual complaints report this demonstrates the council's commitment to transparency and a positive approach to dealing with and learning from complaints.

2. Details

- 2.1 In May 2011 officers dealing with complaints and Member enquiries were re-structured in to a centralised team under the Corporate Governance division, reporting to the Head of Information. Staff numbers are as follows:
 - Complaints team manager 0.92 FTE
 - Complaints Officers 2.5 FTE
 - Complaints Assistants 1.5 FTE
- 2.2 Data is collected on a spreadsheet for each department detailing number of complaints, stage, if they were in time and the issue they relate to. Data for the annual report has been extracted from these departmental spreadsheets.
- 2.3 A stage one complaint is considered to be "an expression of dissatisfaction about the council's action or lack of action, or about the standard of a service,

whether the action was taken by the council itself or a person acting on behalf of the council”.

- 2.4 If a customer is not satisfied that all aspects of their complaint have been addressed and wishes to escalate it, the customer must inform the complaints team within 25 working days of receiving the response, stating what aspects of the response they are dissatisfied with and their desired outcome. A stage two complaint will then be raised and investigated.
- 2.5 If a customer is still not satisfied that all aspects of their complaint has been answered, it can be taken to stage three where the response is agreed by the Chief Executive.
- 2.6 The formal complaints procedure timescales are, Stage one complaints to be responded to within 15 working days; Stage two within 20 working days and Stage three within 25 working days.
- 2.7 Social services have different statutory timescales. Adult Social Care complaints are subject to a single stage review with a flexible timescale that has to be confirmed within 10 days. Children’s Social Care complaints are subject to a three stage process with Stage 1 due within 10 working days, Stage 2 within 25 working days and Stage 3 within 30 working days.
- 2.8 The complaints procedure has been revised and implemented with effect from April 2012, to make it a two stage procedure and by introducing new one point of contact email and telephone number for complaints and member and MP enquiries. The new single point of contact should ensure that all complaints are sent to the central complaints team and are not dealt with locally. It is possible that some complaints do not reach the central complaints team and are dealt with locally, therefore these cannot be reflected.

3. Complaints

- 3.1 The council received a total of 802 complaints in 2011/12.

	Stage 1	Stage 2	Stage 3	Total
Corporate Services	210	13	3	216
Children, Schools & Families	139	3	4	146
Environment & Regeneration	271	27	11	309
Community & Housing	114	5	2	121
Total	734	48	20	802

3.1 The council received a total of 734 stage one complaints in 2011/12 across all departments. This is a slight increase from 708 in 2010/11.

	2010/11	2011/12
Corporate Services	300	210
Children, Schools & Families	101	139
Environment & Regeneration	151	271
Community & Housing	156	114

3.2 The council received a total of 48 stage two complaints in 2011/12 across all departments. This is a slight decrease from 58 in 2010/11.

	2010/11	2011/12
Corporate Services	25	13
Children's Schools & Families	6	3
Environment & Regeneration	27	27
Community & Housing	0	5

3.3 The council received a total of 20 stage three complaints in 2011/12 across all departments. This is an increase from 10 received in 2010/11.

	2010/11	2011/12
Corporate Services	5	3
Children's Schools & Families	1	4
Environment & Regeneration	3	11
Community & Housing	1	2

- The drop in escalations from stage one to stage two in Corporate Services is attributed to improved data quality checking at stage one.
- The drop in escalations of Children Schools and Families complaints is attributed to resolution meetings with complainants.
- Environment and Regeneration had no increase in stage two complaints from the previous year but the escalation was reduced .
- The increase in stage two complaints for Community and Housing can be accounted for by improved logging and more accurate reporting.
- The increase in Environment and Regeneration complaints is a result of refining the definition of certain service failures into complaints in order to fully capture customer satisfaction.

3.4 Response times in line with the corporate timescales.

	Stage 1	Stage 2	Stage 3
Corporate Services & Chief Executives	80%	84%	66%
Children's Schools & Families	89%	33%	100%
Environment & Regeneration	80%	81%	90%
Community & Housing	92%	100%	100%

Average	85.25%	74.5%	83.7%
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3.5 Overall the response time is 86.26% for all stages against the target of 95%.

4. Customer Base Information

4.1 Services where the largest numbers of complaints were received against customer base:-

Service Area	Customer base (approx)	Complaints received	%
Corporate Services Customer Services (inc. Revenues & Benefits)	85,000	203	0.24%
Environment and Regeneration Waste Refuse, recycling & food	255,000	159	0.06%
Environment and Regeneration Garden Waste	4155	45	1.08%
Community and Housing Housing Needs (no. of people on register)	7,800	55	0.70%
Children School and Families inc. Schools Social Care and Youth Inclusion	50,000	146	0.3%

5. Policy and Informal Complaints

5.1 Policy complaints are defined as “expressions of dissatisfaction with the council’s policy in a specific service area, as opposed to the council’s failure to meet its service standards”. Policy complaints are dealt with in line with Stage one of the complaints process as regards the level of officer conducting the response and the response timescale. A response is sent explaining that the complaint made relates to a policy area, and that it cannot be pursued further through the complaints system. Customers are advised to contact their local councillor if they are not satisfied with their reply.

5.2 Forty four policy complaints were received in 2011/12.

Corporate Services - 25	17 - issuing summons’s for non-payment of council tax; 2 - change in the opening times of the Cash Office; 2 - council tax exemptions and classifications; and 4 - benefit assessments which included time taken and landlords complaining
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	regarding their tenants benefits.
Children, Schools and Families - 0	None recorded.
Environment and Regeneration - 13	10 - changes to the Garden Waste Service, introduced at the end of March 2011; 1 - bulky waste collection; 1 - street cleansing (dissatisfaction with reduction in service); and 1 - fleet transport (tendering).
Community and Housing - 6	2 - fine charges on children's books; 1 - closure times of libraries at Christmas period; 2 - increase in day centre charges for those who have declined a financial assessment; and 1 - the amount an ex-tenant had to pay back after selling a property bought under right to buy scheme.

5.7 Defining complaints correctly is key in ensuring complaints are dealt with effectively. Informal complaints are now monitored by the complaints team to demonstrate levels of contact by customers where there is no service failure but the customer has been unable to resolve a problem they have experienced. The customer in these cases may also not have contacted the department to report an issue and allow them time to resolve it for example a missed bin on a single occasion.

5.8 Informal complaints are logged when a customer has not contacted the department concerned to assist, prior to making a complaint, or it is considered a service request. Environment and Regeneration usually get the bulk of these complaints due to front line nature of their services.

6 Local Government Ombudsman Enquiries

6.1 The Local Government Ombudsman (LGO) received 32 complaints in 2011/12, compared to 30 received in 2010/11. However, the LGO was contacted by 96 complainants.

6.2 Response times to LGO complaints have decreased from an average of 28.1 days in 2010/11 to 26.6 days against the 28 day target.

6.3 The LGO investigation team decisions were as follows:-

Not Investigated / No reason to use exception power to investigate / Investigation not justified and other	14
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Investigated and not enough evidence of fault	15
Investigated and no or minor injustice and other	9
Investigated and Injustice remedied during enquiries	8
Report	0

- 6.4 Further definition regarding LGO complaints can be found at:-
<http://www.lgo.org.uk/documents/annualreview/2012/merton.pdf>
- 6.5 The LGO received 38 premature complaints (defined as when the council has not had a reasonable opportunity to deal with the complaint itself) in 2011/12, up from 31 premature complaints in 2010/11. Benefits and council tax had by far the highest number of LGO premature complaints. It is felt this is due to public perception that the LGO can intervene and make decisions without the council considering the complaint.
- 6.6 Thirty-eight premature complaints is a high number and we need to encourage more take up of the council's formal complaints procedure. We have therefore introduced a single email and telephone point of contact for the complaints team as well as reducing the number of stages and therefore the time taken to deal with them.
- 6.7 The Annual Review letter from the LGO is attached, see Appendix 1.

7. Benchmarking

- 7.1 The complaints team is now working with a London wide complaints groups to share best practice, benchmarking data and discuss issues.
- 7.2 When looking at the numbers of complaints received by neighbouring boroughs, it is noted that their recording of complaints varies greatly so currently there is no real comparative data which is of value.
- 7.3 The London Boroughs of Sutton no longer produces an annual complaints Report. The London Boroughs of Richmond and Kingston annual complaints reports for 2010/11 and 2011/12 are not available. The London Borough of Wandsworth has not yet produced an annual complaints report for 2011/12.
- 7.4 During a benchmarking exercise undertaken with 16 London boroughs, the London average for responding to stage one complaints was 82.69% in time, Merton's was 85.25%, stage two was 71% against Merton's at 74.5% and 83.7% in time at stage three against Merton's at 89%.
- 7.5 Each council has different structures, deadlines and numbers of staff dealing with complaints which may influence the ability to answer complaints by deadline.

8. Members and MP Enquiries

8.1 Data is collected on a spreadsheet for each department detailing number of member and MP enquiries, if they were in time and the issue they relate to. Data for the annual report has been extracted from these departmental spreadsheets.

8.2 The total number of Member and MP received in 2011/12 are below:-

Corporate Services	580	75% relating to Revenues & Benefits
Children Schools and Families	176	65% School admissions, expansion of schools
Environment and Regeneration	1,506	32% related to Traffic & Highways 30% related to Waste services
Community and Housing	735	87% related to Housing Needs
Total	2,997	

8.3 This is the first year where comprehensive data has been kept in this area and therefore there is no comparative data for 2010/11.

8.4 A single point of contact for Member and MP enquiries has been established for 2012/13 in order to record and report more accurately in the future.

9. Next Steps

9.1 To decide if the council wishes to publicise this report on the complaints page on the council's website. It has previously been stated that the annual complaints report is published externally, however this has not happened in recent years.

9.2 The Complaints team need to:

- Start to evidence the action taken by departments to show we are actively learning from complaints;
- Introduce a mechanism to get feedback from complainants, Members and MPs about our handling of issues;
- Introduce clearer guidance on carrying out stage one investigations, to help minimise escalation to stage two; and
- Provide evidence of the policy in policy complaints, such as the council meeting where it was agreed or the policy document.

9.4 The complaints team will use a pro-forma to ensure consistent reporting to DMTs on a monthly basis showing monthly statistics on complaints, member and MP enquiries.

9.5 The complaints team will record all informal complaints to ascertain if there is an issue with contacting the council and / or signposting needs to be improved.

9.6 The Environment and Regeneration department have prepared a detailed response to the specific issues relating to their complaints and are working to deliver to improved performance.

9.7 To produce an annual report

10. Alternative options

10.1 We could choose not to produce an annual complaints report as it is not a statutory obligation.

11. Consultation undertaken or proposed

11.1 The Complaints Officers were consulted on this report.

12. Timetable

12.1 In future years, we would hope to have this report ready by June. The report is late this year due to staff changes.

13. Financial, resource and property implications

13.1 £5,682.21 has been paid in total during 2011/12 in compensation or in settlement for complaints. This is a significant decrease from £13,841 in 2010/11.

- Community and Housing were instructed by the LGO to pay £500.00 in compensation for time and distress in settlement of complaint.
- Corporate Services paid a total of £5,182.21 in compensation and payments directed by the LGO for housing benefit and council tax / bailiff complaints. This was made up of eight different cases ranging from compensation of £100 to an LGO directed payment of £2,958.19.
- Children, Schools and Families and Environment and Regeneration made no payments in compensation

14. Legal and statutory implications

- 14.1 The council has a number of legal and statutory obligations with regard to complaints in Community Care and Children, Social Services. However, there is no statutory requirement to publish this report.

15. Human rights, equalities and community cohesion implications

- 15.1 All staff involved in dealing with complaints must be mindful of ensuring a consistent approach with all complainants in line with Equalities principles.
- 15.2 All complaints where there has been an allegation of discrimination or harassment are reviewed the Equalities and Community Cohesion Officer.

16. Risk management and health and safety implications

- 16.1 Poor complaint handling can damage the reputation of the council and can also incur financial risks through compensation payments made to complainants.

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

- 17.1 Annual Review Letter of the Local Government Ombudsman.
- 17.2 DMT Monthly pro-forma.

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

- 18.1 Report of the Local Government Ombudsman.

19. Report author

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