

# Agenda Item 9

<b>Date of meeting: 9 November 2017</b>		<b>Agenda Item:</b>
<b>Title of report:</b>	<b>Complaints and Member Enquiries 2016-17</b>	
<b>Lead Director:</b>	<b>Caroline Holland</b>	
<b>Lead Officer:</b>	<b>Monica Coleman</b>	
<b>To which strategic theme(s) does this item relate?</b>	Sustainable communities	Yes
	Safer & Stronger communities	Yes
	Healthier Communities	Yes
	Older People	Yes
	Children & Young People	Yes
	Corporate Capacity	Yes
<b>Is this item for:</b>	Information only?	No
	Discussion?	Yes
	Decision?	No
<b>If this report is for decision, please list the recommendations that you are making to CMT</b>	1. To note the contents.	
<b>Is this report intended to...</b>	Come back to CMT?	No
	Go to Leader's Policy Group?	No
	Go to Cabinet?	No
	Go to Council?	No
	Go to Overview & Scrutiny?	No
	Go to the LSP?	No

## **Standards and General Purposes Committee:**

**Date: 9 November 2017**

Agenda item:

### **Subject: Complaints & Member Enquiries 2016/17**

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Forward Plan reference number: N/A

Contact officer: Monica Coleman, Complaints Team Manager

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### **Recommendations:**

1. This report is for information only.
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#### **Report and executive summary**

- 1.1 This report gives CMT an overview of the performance of the council during 2016/17 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 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 indicators.
- 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.

Member Enquires have a 10 day response target.

2.4 There is a single point of contact for all telephone and email complaints provided by the Complaints Team. The proportion of email complaints has grown steadily in the last two years and email is now the main way in which complaints are received. There has been a corresponding fall in the number of telephone complaints.

### 3. Complaints

3.1 There was an overall decrease in the number of complaints received by the council in 2016/17. A total of 908 complaints (Stages 1, 2, 3 and policy) were received, compared to 1,159 in 2015/16.

3.2 In 2016/17, 830 Stage 1 complaints were received. This is a 23% decrease on the number of Stage 1 complaints received the previous year.

Stage 1	2015/16	2016/17	% Change
Corporate Services	192	166	-13.54%
Children, Schools & Families	66	47	-28.78%
Environment & Regeneration	722	540	-25.2%
Community & Housing	98	77	-21.42%
<b>Total</b>	<b>1078</b>	<b>830</b>	<b>-23%</b>

3.3 A total of 56 complaints were logged at Stage 2 across all departments, representing a 30.86% decrease on the previous year 2015/16.

Stage 2	2015/16	2016/17	Change
Corporate Services	19	12	-36.84%
Children, Schools & Families	5	1	-80%
Environment & Regeneration	53	42	-20.75%
Community & Housing	4	1	-75%
<b>Total</b>	<b>81</b>	<b>56</b>	<b>-30.86%</b>

- 3.4 One Stage 3 Children's Social Care complaint was received in 2016/17.
- 3.5 In 2016/17 response times to complaints improved overall. 86% of Stage 1 complaints and 86% of Stage 2 complaints achieved the performance target for responses. This is an increase of 7.6%% and 3.3% respectively on the 2015/16 results.

	% responses on time					
	2015/16		2016/17		% Change	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
CS	91.6%	68%	96%	100%	+4.4%	+32%
CS&F	75.7%	80%	57%	0%	-18.7%	-80%
E&R	77.9%	90%	88%	83%	+10.1%	-7%
C&H	61.9%	50%	69%	100%	+7.1%	+50%
<b>Total</b>	<b>78.4%</b>	<b>82.7%</b>	<b>86%</b>	<b>86%</b>	<b>+7.6%</b>	<b>+3.3%</b>

- 3.6 During 2016/17 the council upheld or partially upheld 648 complaints, representing 71% of all complaints received (this does not include policy complaints which by their nature cannot be upheld). This outcome is higher than the previous year 2015/16 at 61.5%.

Within this total there were noticeable differences in departmental results with CS&F upholding and partially upholding an increased number of complaints, while CS and C&H partially upheld significantly more complaints than in the previous year.

	2015/16		2016/17		% change	
	Upheld	Part Upheld	Upheld	Part upheld	Upheld	Part upheld
CS	35 17%	46 22%	39 22%	62 35%	+5%	+13
CS&F	8 11%	8 11%	11 22%	18 37%	+11%	+26%
E&R	430 57%	14 19%	320 55%	102 17.5%	-2%	-1.5%
C&H	25 24.5%	19 19%	16 20.5%	26 33%	-4%	14%
<b>Total</b>	<b>498 44%</b>	<b>215 19%</b>	<b>440 50%</b>	<b>208 23%</b>	<b>+6%</b>	<b>+4%</b>

- 3.7 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.
- 3.8 The Complaints Team have worked closely with service areas to identify trends or areas that need to be addressed. A Complaints Officer 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.
- 3.9 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 2016/17 £180 plus 10 garden waste sacks were offered to complainants at this level, £700 less than the previous year 2015/16 of £880. Of this £180, £85 was from Corporate Services and £95 from Environment and Regeneration. This is a significant decrease but we find that the complaints that are partially upheld and upheld are mainly due to poor communication on behalf of the council rather than an administration error which needed to be rectified through monetary compensation. However, the remedies offered at Ombudsman level totalled £46,468 and is detailed in the Ombudsman report so the total amount for 2016/17 is £46,648.
- 3.10 The areas that customers complained about the most at Stage 1 are shown in the table below.

<b>Service</b>	<b>2015/16 Number</b>	<b>2015/16 % of total received</b>	<b>2016/17 Number</b>	<b>2016/17 % of total received</b>
<b>Waste (Refuse)</b>	167	15.4%	125	15%
<b>Waste (Garden)</b>	129	11.9%	92	11%
<b>Revenues (Council Tax)</b>	78	7.2%	64	7.7%
<b>Benefits</b>			50	6%
<b>Waste (Food)</b>	86	7.9%	44	5.3%
<b>Waste (other)</b>			43	5.2%

<b>Waste (Recycling)</b>	67	6.2%	41	4.9%
<b>Waste (Street Cleaning)</b>	65	6%	38	4.6%

#### 4. Compliments

- 4.1 Compliments received by department have excluding Corporate Services remained at a steady number. However, if we look at the number of complaints received versus compliments this ratio has decreased slightly from 1:6.74 in 2015/16 to 1:5.97 in 2016/17.

<b>Compliments</b>	<b>2015/16</b>	<b>2016/17</b>	<b>% change</b>
Corporate Services	53	28	-47%
Children Schools & Families	36	31	-14%
Environment & Regeneration	51	57	12%
Community & Housing	39	36	8%
<b>Total</b>	<b>179</b>	<b>152</b>	<b>-15%</b>

#### 5. Informal and Policy Complaints

- 5.1 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 14.2% between 2015/16 and 2016/17.

<b>Informal Complaints</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Change</b>
Corporate Services	18	15	-16%
Children, Schools and Families	39	0	-100%
Environment and Regeneration	440	408	-7.2%
Community and Housing	2	5	+150%
<b>Total</b>	<b>499</b>	<b>428</b>	<b>-14.2%</b>

- 5.2 The table below gives a breakdown of informal complaints by service area in 2016/17.

Department	Number	Service
Corporate Services	15	Housing Benefit - 7 CT Invoices - 3 CT Liability - 2 Contact Centre - 2 Officer - 1
Children, Schools & Families	0	N/A
Environment & Regeneration	408	Refuse - 125 Recycling - 59 Garden waste - 58 Food - 44 Street cleaning - 39 Bulky waste - 32 Waste other - 15 Fly-tipping - 15 Greenspaces - 8 Planning - 5 Traffic & Highways - 4 Parking - 3 Commercial waste - 1
Community & Housing	5	Housing - 5

5.3 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 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.

5.4 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.

5.5 21 policy complaints were received in 2016/17, a decrease from 2015/16 were 28 were received. This number has been fairly stable for several previous years.

Policy Complaints	2015/16	2016/17	Change
Corporate Services	2	2	0
Children, Schools and Families	0	1	+1
Environment and Regeneration	26	17	-9
Community and Housing	0	1	+1
<b>Total</b>	<b>28</b>	<b>21</b>	<b>-7</b>

- 5.6 Of the 17 policy complaints received in Environment and Regeneration a majority concerned three policies: discontinuation of free food waste bags (6), footway parking (4) and removal of dog waste bins (3).

## 6. Local Government Ombudsman (LGO) Enquiries

- 5.1 The Annual Review letter from the LGO and accompanying report has been presented to CMT and is attached as **Appendix A**.

## 7. Benchmarking

- 7.1 The Complaints team attends London wide complaints forums which consider best practice issues and 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. Member and MP Enquiries

- 8.1 During the 2016/17 year 2,972 Member Enquiries were received, via the members' enquiry inbox. This represents an increase of 15% on 2015/16 when 2,586 enquiries were received. Enquiries from the two Merton MPs make up around 72.5% 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.

Department/Service Area - Majority of Enquiries	2015/16	2016/17	% Change
Corporate Services (235 x Revenues & Benefits)	271	304	+12.1%
Children Schools and Families (32 x Schools admissions & 34 x social work)	154	124	-19.4%
Environment and Regeneration (422 x Traffic & Highways, 367 x Waste Services)	1,375	1,495	+8.7%
Community and Housing (907 x Housing Needs)	786	1049	+33.4%
<b>Total</b>	<b>2,586</b>	<b>2,972</b>	<b>+14.9%</b>

## **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. These points form part of the Data Quality checklist.
- 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 to improve services' responses.
- 9.4 Where complaints investigations have identified issues around professional practice, processes 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 attempts to retrieve and listen to the call, if saved. This ensures that the stage one response is fair and impartial.
- 9.6 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 2016/17 is held on file and is available should it be required in the event of an inspection.
- 9.7 The Head of Information Governance attends DMTs every two months to maintain the profile of complaint handling and to discuss areas where performance needs to be addressed.
- 9.8 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 new Corporate Complaints Policy went live on 1 April 2017. As part of this, informal complaints were removed in their entirety and managed as a request for services by the individual services.
- 10.3 The Complaints team will be reviewing the feedback sent to DMTs, to ensure it meets their needs.

- 10.4 As part of the Customer Contact Programme a new management system (CRM) went live on 5 June 2017.
- 10.5 Changes to waste services have had an impact on complaints. Going forward the Complaints Team will work with waste services to ensure that the team is prepared to answer questions about changes in policy.

## **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 2017.

## **14. Financial, resource and property implications**

- 14.1 During the year a total of £46,468 was offered to complainants either as a local settlement or following decisions by the LGO.

	<b>2016/17</b>	<b>2015/16</b>
<b>Local settlement (Stage 1 &amp; 2)</b>	180	880
<b>Compensation</b>	2,500	2,739
<b>Refund of Fees</b>	310	3,525.26
<b>Payment of Allowances</b>	43,478	0
<b>Total</b>	<b>£46,468</b>	<b>£7,144.26</b>

- 14.2 Stage 3 complaints that are subject to the Children Act regulations require an independent panel. The cost to the council in 2016/17 was £2,039.06. The Complaints Manager must ensure the 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 Annual Review Letter of the LGO **Appendix A.**
- 18.2 LGO report to CMT **Appendix B.**

## **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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