

Agenda Item 5

Date of meeting:		Agenda Item:
Title of report:	Complaints Management – Annual Report 2013/14	
Lead Director:	Caroline Holland	
Lead Officer:	Karin Lane, Head of Information Governance	
To which strategic theme(s) does this item relate?	Sustainable communities	Yes
	Safer & Stronger communities	Yes
	Healthier Communities	Yes
	Older People	Yes
	Children & Young People	Yes
	Corporate Capacity	Yes
Is this item for:	Information only?	Yes
	Discussion?	No
	Decision?	No
If this report is for decision, please list the recommendations that you are making to CMT	1. To note the contents.	
Is this report intended to...	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

CMT

Date:

Agenda item:

Subject: Complaints Management – Annual Report 2013/14

Lead officer: Karin Lane, Head of Information Governance

Lead member: Councillor Mark Allison

Forward Plan reference number:

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 To give CMT an overview of the council's management and performance in responding to complaints and the issues residents and customers have felt strongly enough to complain about. Effective complaint management is an important element of maintaining the council's reputation. Complaints are also a valuable tool in helping to understand resident's and customer's expectations of service delivery and should be an essential part in identifying service improvements across the council.

2. Details

- 2.1 Data for the annual report has been extracted from spreadsheets set up for each department.
- 2.2 The formal complaints procedure response timescales are:
 - Stage 1 complaints within 20 working days; and
 - Stage 2 complaints within 25 working days.
- 2.3 Social services have different statutory timescales with Adult Social Care complaints subject to a single stage review with a flexible timescale to be confirmed within 10 days. Children's Social Care complaints are subject to a three stage process and there is also the option to increase the response time deadline, to reflect the complexity of these types of

complaints. The response times are Stage 1 within 10 working days (or extended to 20 working days), Stage 2 within 25 working days (or extended to 65 working days) and Stage 3 within 30 working days.

- 2.4 Due to the statutory requirements of children's social care complaints, there is a separate complaints policy for these complaints.
- 2.5 The corporate complaints policy does not cover complaints subject to separate statutory procedures.
- 2.6 There is a single point of contact for all telephone and email complaints.

3. Complaints

- 3.1 The council received a total of 961 complaints in 2013/14, with 886 Stage 1 complaints received in 2013/14, a 19% increase from 2012/13.

	2013/14	2012/13	% change
Children, Schools & Families	79	60	26.7%
Community & Housing	94	107	-12.1%
Corporate Services	240	236	1.7%
Environment & Regeneration	473	341	38.7%
Total	886	744	19.1%

- 3.3 The council received a total of 75 Stage 2 complaints in 2013/14, a decrease of 11% on 2012/13.

	2013/14	2012/13	% change
Children, Schools & Families	6	6	0%
Community & Housing	4	9	-55.6%
Corporate Services	18	31	-41.9%
Environment & Regeneration	47	38	23.7%
Total	75	84	-10.7%

- 3.4 No Stage 3 complaints were received by Children's Social Care in 2013/14.
- 3.5 The council responded to 84.8% of Stage 1 complaints on time in 2013/14, a decrease in performance from 2012/13. However, there was an increase in performance in dealing with Stage 2 complaints.

	2013/14		2012/13		2011/12	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
Children, Schools & Families	58.2%	33.3%	85.0%	28.6%	84.1%	33.3%
Community & Housing	87.2%	100%	89.4%	100%	79.7%	100%
Corporate Services	91.7%	83.3%	93.6%	83.9%	78.0%	90.0%
Environment & Regeneration	85.2%	91.5%	89.7%	84.2%	79.9%	81.5%
Total	84.8%	85.3%	90.5%	81.2%	80.0%	81.8%

- 3.6 The council upheld / partially upheld 433 complaints in 2013/14, 45% of the total number received, an increase from 32% for 2012/13.

	2013/14		2012/13	
	Upheld	Partially upheld	Upheld	Partially upheld
Children, Schools & Families	2	3	4	3
Community & Housing	15	12	20	4
Corporate Services	40	57	38	12
Environment & Regeneration	204	100	143	45
Total	261	172	205	64

- 3.7 The Complaints team received 202 compliments on departmental service delivery.

	2013/14	2012/13
Children's Schools & Families	23	26
Community & Housing	115	100
Corporate Services	44	79
Environment & Regeneration	22	18
Total	202	223

- 3.8 The Complaints team work closely with service areas where there are a large number of complaints, to identify any trends or problem areas that need to be addressed. This has resulted in some positive action including training for Housing Needs staff on how to deliver a 'no' message more positively and Merton Adult Education changing their waiting list procedure.
- 3.9 A Data Quality checking template is sent to all officers dealing with complaints, to help them ensure all aspects of the complaint are addressed. It is not mandatory for officers to complete the template. If a Stage two complaint is received and the template was completed at Stage 1, then it will be reviewed. If the reason for the complaint escalating was something that should have been addressed at Stage 1, it will be raised with the responding officer.
- 3.10 Complaints Officers can, and do, make recommendations for payments to be made to complainants, either as compensation for time and trouble or as a remedy for injustice. During the year £550 was paid to complainants, with a further £2,000 paid to a complainant as a result of a children's social care Stage 2 complaint.

4. Policy and Informal Complaints

- 4.1 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 under Stage 1 of the complaints process with issues fed back to team managers so that they are aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal.
- 4.2 The Complaints team have worked closely in ensuring that when a complaint is classed a policy complaint, that the service user is either signposted to the relevant policy on the council’s website or sent a copy of the policy.
- 4.3 Twenty-eight policy complaints were received in 2013/14, a decrease from 33 in 2012/13.

	2013/14	2012/13
Children, Schools and Families	1	1
Community and Housing	1	1
Corporate Services	12	15
Environment and Regeneration	14	16
Total	28	33

- 4.4 Of the 12 Policy complaints Corporate Services received, five related to bailiff policy. The rest related to:
- Council tax exemptions;
 - Single person discount;
 - Housing benefit timescales; and
 - Freedom passes.
- 4.5 Of the 14 Policy complaints Environment and Regeneration received, five related to waste charges and wheelie bins and four related to payments and policies of parking. The rest related to:-
- Planning not adhering to policy;
 - Lack of out of hours enforcement service;
 - Tree cutting;
 - CCTV vans parking on double yellow lines; and
 - Timings of crossover work.
- 4.6 Community and Housing received one policy complaint which related to the toilet provision at Wimbledon library and Children, Schools and Families received one policy complaint which related to payment of rent.

- 4.7 Defining complaints correctly is key in ensuring complaints are dealt with effectively. Informal complaints are issues where the problem is considered resolvable quickly, for example a missed bin collection, or where the customer was not sure how to contact the appropriate service to deal with a matter so contacted the Complaints team. These enquiries are directed to the relevant service area to allow them to correct the perceived service failure, within two working days. In 2013/14, when detailed statistics started to be kept, 320 informal complaints were received. The figures below show the total received for each department and in brackets are the figures for the service areas which received the most informal complaints.

Children, Schools & Families	2 (1 Social Care & 1 Commissioning, Strategy & Performance)
Community & Housing	7 (4 Housing)
Corporate Services	23 (20 Customer Services)
Environment & Regeneration	288 (239 Street Scene & Waste)

5. Top 5 areas of complaints

- 5.1 In 2013/14 the top 5 areas that customers complained about the most were:-

	2013/14		2012/13	
	Number	% of total no. received*	Number	% of total no. received*
Waste	517	40%	406	35%
Council Tax	90	7%	91	7.9%
Benefits	74	5.8%	77	6.7%
Parking	78	6%	73	6.3%
Planning	73	5.7%	40	3.4%

*Complaints figures include informal, Stage 1 and Stage 2

6. Local Government Ombudsman (LGO) Enquiries

- 6.1 The Annual Review letter from the LGO is attached as **Appendix A**.
- 6.2 A detailed breakdown of investigations made by the LGO for all London Boroughs is attached as **Appendix B**. It should be noted that the council's LGO statistics are for complaints received and dealt with, within the financial year 2013/14, but the LGO has included in their statistics, cases received and decided in different business years. The council's data is therefore slightly different to the LGO's. The council has received 22 investigations over the course of the year, and 8 enquiries have been made but have not been subject to an investigation. These are detailed in **Appendix C**. The council answered 96% of all LGO complaints and enquiries on time.

- 6.3 In total, £4,000 has been paid following decisions made by the LGO. The majority of payments were to compensate complainants for time and trouble.
- 6.4 The LGO statistics show that Merton, with 107 complaints, had one of the lowest number of LGO complaints across London – ranked 25th out of the 33 London boroughs. Merton had 62.1% of LGO complaints upheld, which was the 5th highest across London. However it should be noted that 70% of all London Boroughs had over 50% of their complaints upheld.
- 6.5 With effect from February 2014, the LGO amended their descriptions of their decisions, attached as **Appendix D**.

7. Benchmarking

- 7.1 The Complaints team continues to work with London wide complaints groups to share best practice and are active members of the London Complaints Managers Group, who work closely with the LGO and other agencies.
- 7.2 There has been no benchmarking against the numbers of complaints received by neighbouring boroughs, because the recording of complaints varies greatly so there is no comparative data which is of value.
- 7.3 A recent national report issued by the LGO has reported that complaints about handling of benefits and council tax rose by 26% and Adult Social Care by 16% in 2013/14. Benefits, council tax and Adult Social Care were also the areas where the LGO was most likely to uphold complaints after detailed investigations. It should be noted that in Merton, complaints for Revenues and Benefits reduced by 6% in 2013/14 but Adult Social Care complaints increased from 33 in 2012/13 to 37 in 2013/14, a 12% increase.

8. Members and MP Enquiries

- 8.1 The total number of Member and MP enquiries received via the Complaints team in 2013/14 was 2,583 with 90.17% responded to within the 15 working day timescale.

	2013/14	2012/13	2011/12
Children Schools and Families	117	159	176
Community and Housing	804	724	735
Corporate Services	329	300	580
Environment and Regeneration	1,333	1,156	1,506
Total	2,583	2,339	2,997

- 8.2 Of the 329 received for Corporate Services, 266 related to Revenues and Benefits.
- 8.3 Of the 117 received for Children Schools and Families, 30 related to School Admissions and 17 for Central Social Work.
- 8.4 Of the 1333 received in Environment and Regeneration, 371 related to Traffic and Highways and 342 for Waste Services issues.
- 8.5 Of the 804 Member and MP enquiries received for Community and Housing, 689 related to Housing Needs.
- 8.6 Details of Member and MP enquiries received by Ward are detailed in **Appendix E**.

9. Service improvements and learning from complaints

- 9.1 Where LGO enquiries have been particularly complex or have resulted in recommendations for changes to be made to council practice or policy, the Complaints team has arranged 'post-mortem' meetings with the relevant officers to identify lessons learned and identify actions to be taken to improve service delivery.
- 9.2 An LGO complaint about the conduct of a Chair of a Child Protection Conference led to a recommendation that we review the information given to parents regarding complaints about Child Protection Conferences. The Children, Schools and Families complaints policy has been updated to include the appropriate guidance and is currently being consulted on with officers.
- 9.3 An LGO enquiry was made about the way we pursued recovery action following non-payment of a penalty charge notice by a vulnerable customer. We have now introduced a procedure for Parking Services

when dealing with vulnerable debtors, such as those suffering from mental ill-health.

- 9.4 Following an enquiry made on behalf of a local resident, the LGO recommended that advice and information given to parents by Education Welfare Officers by telephone should be followed up in writing. This has been implemented.
- 9.5 Following a complaint made this year, the Library and Heritage Services Manager has updated the terms and conditions of use of Merton's public libraries. The procedure for suspending a user from our library services has been made clearer and the appeals process is also described in this document. A library user who was suspended made a complaint to the LGO which was not upheld as they were satisfied that there was no evidence of fault.
- 9.6 At the recommendation of the LGO we have updated our website to ensure our requirements for booking sporting facilities are clearly explained.
- 9.7 After an LGO complaint was upheld regarding charging for adult social care, the council wrote to all care providers to remind them that they cannot charge extra fees for the same care directly to the service user or their families. A reminder is also issued with correspondence sent out relating to financial assessments.
- 9.8 Weekly lists are now sent to Directors and managers with due and outstanding complaints and member enquiries, so they are fully aware of any issues within their service areas.
- 9.9 In November 2013, Parking Services appointed a Customer Relations Manager. The role includes identifying trends in complaints made. Details of those trends and the actions taken to respond to complaints made are attached as **Appendix F**.
- 9.10 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 2013/14 is now held on file and is readily available for inspection purposes.

- 9.11 With effect from December 2013, complainants are now being sent customer feedback forms with their acknowledgement to both Stage 1 and Stage 2 complaints. This feedback is being used for learning from complaints. To date 13 feedback forms have been received

Question	% Yes	Comments
Was the letter correctly addressed?	92%	Surname spelled incorrectly
Does the letter include details of an officer to contact?	85%	Phone number/email only
Did the letter address all points raised?	62%	Points ignored - escalation
Was the letter easy to understand?	92%	Less jargon
Did the letter explain what had happened?	23%	Partial / unconvincing explanation
Did the letter give details of next steps of complaints?	92%	
Other comments		
<ul style="list-style-type: none"> • Satisfied & impressed at prompt & thorough response over the holiday period • Response delayed, full of “legaleeze” & did not feel like much of an apology • Satisfied at the moment, hope collections / cleansing continue (x4) • Subsidiary matters raised in complaint not addressed, only main subject • Feels at stage two that complaint still unanswered after “weeks of errors, delays, obfuscation, denial & refusal to learn and apply lessons” – escalating to LGO 		

10. Next Steps

- 10.1 The Complaints team will review the corporate complaints procedure to ensure it is fit for purpose and takes account of any new legislation impacting on complaints.

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 This is dependant on receipt of the LGO annual letter.

14. Financial, resource and property implications

- 14.1 During the year £2,550 was paid to complainants as local settlement and £4,000 was paid following decisions made by the LGO, mainly for time and trouble payments. These amounts are paid out from the service area budget that the complaint was about.

- 14.2 Stage 2 complaints subject to the Children Act regulations require the appointment of an Independent Investigator and an Independent Person. New procedures have been put in place to ensure improved value for money when appointing these officers.

15. Legal and statutory implications

- 15.1 The council has a number of legal and statutory obligations for adult and children's social care.
- 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. There were 11 complaints in 2013/14 that alleged discrimination, one was partially upheld and the rest were not upheld. The partially upheld complaint related to the non-payment of a penalty charge notice, where the member of the public had mental health issues. A procedure has now been introduced for Parking Services when dealing with vulnerable debtors.

17. Risk management and health and safety implications

- 17.1 Poor complaint handling could be a reputational risk to the council and also incur compensation payments to complainants.

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 – LGO complaints by category and number upheld
Appendix C – Merton LGO statistics
Appendix D – Description of LGO decisions
Appendix E – Member and MP enquiries analysis by Ward
Appendix F – Learning from complaints for Parking Services

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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