

## **Committee: Standards Committee**

**Date: 21 October 2015**

Wards: All

**Subject: Annual Complaints and Member Enquiry Report 2014-15**

Lead officer: Graham Owen

Lead member: Councillor Mark Allison

Contact officer: Graham Owen

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### **Recommendations:**

1. To note the contents of the report.
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## **1. Report and executive summary**

- 1.1 This report gives Members an overview of the performance of the council during 2014/15 in responding to complaints and Members 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 supporting the improvement of those services.
- 1.3 The number of complaints and members 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 indicator.
- 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 single stage with a deadline of 25 working days.
- 2.4 There is a single point of contact for all telephone and email complaints provided by the Complaints team.

### 3. Complaints

- 3.1 The council received a total of 966 Stage 1 and Stage 2 complaints, compared to 961 in 2013/14.
- 3.2 A total of 917 Stage 1 complaints were received, a 3.5% increase over 2013/16 when 886 Stage 1 complaints were received.

	2014/15	2013/14	Change
Corporate Services	221	240	-7.9%
Children, Schools & Families	66	79	-16.5%
Environment & Regeneration	557	473	+17.8%
Community & Housing	73	94	-22.3%
<b>Total</b>	<b>917</b>	<b>886</b>	<b>+3.5%</b>

- 3.3 A total of 49 complaints progressed to Stage 2 across all departments, a decrease of 35% on 2013/14 when 75 Stage 2 complaints were received. The reduction in the number of escalated complaints demonstrates the benefit of providing a through and timely response to the initial complaint.

	2014/15	2013/14	Change
Corporate Services	12	18	-33.3%
Children, Schools & Families	6	6	No change
Environment & Regeneration	29	47	-38.3%
Community & Housing	2	4	-50.0%
<b>Total</b>	<b>49</b>	<b>75</b>	<b>-34.7%</b>

- 3.4 No Stage 3 Children's Social Care complaints were received in 2014/15.
- 3.5 The council responded to 86.5% of Stage 1 complaints on time, which represents a small improvement in performance from 2013/14. There was

also an increase of 4% in performance in dealing with Stage 2 complaints from 2013/14.

	% age on time					
	2014/15		2013/14		Change	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
CS	98.6%	100%	91.7%	83.3%	+6.9%	+16.7%
CS&F	69.7%	66%	58.2%	33.3%	+11.5%	+32.7%
E&R	85.0%	86.2%	85.2%	91.5%	-0.2%	-5.3%
C&H	76.7%	50%	87.2%	100%	-10.5%	-50.0%
<b>Total</b>	<b>86.5%</b>	<b>89.3%</b>	<b>84.8%</b>	<b>85.3%</b>	<b>+1.7%</b>	<b>+4.0%</b>

3.6 The council upheld or partially upheld 581 complaints, an increase of 34% compared to 2013/14.

	2014/15		2013/14		Change	
	Upheld	Part upheld	Upheld	Part upheld	Upheld	Part upheld
CS	49	53	40	57	+22.5%	-7.0%
CS&F	18	19	2	3	+800%	+533%
E&R	281	135	204	100	+37.7%	+35.0%
C&H	13	13	15	12	-13.3%	+8.3%
<b>Total</b>	<b>361</b>	<b>220</b>	<b>261</b>	<b>172</b>	<b>+38.8%</b>	<b>+27.9%</b>

3.7 173 compliments were received on departmental service delivery.

	2014/15	2013/14	Change
Corporate Services	58	44	+31.8%
Children's Schools & Families	17	23	-26.1%
Environment & Regeneration	45	22	+104.5%
Community & Housing	53	113	-46.9%
<b>Total</b>	<b>173</b>	<b>202</b>	<b>-14.4%</b>

3.8 It is recognised that more work needs to be done to capture compliments. Many compliments are informal and verbal in nature and so are not recorded. They are however an important source of feedback about council services and the staff who deliver them. If recorded and the stories they tell published internally, they can offer a positive perspective on the work of staff and their managers.

- 3.9 Monitoring of complaint responses at Stage 1 has identified concern over the quality of some replies which leads 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. Few of these forms are returned to the Complaints team. However, 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.
- 3.10 The Complaints team have worked closely with service areas to identify trends or areas that need to be addressed. A Complaints Officer now 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 that area.
- 3.11 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 £600 was offered to complainants, with a further £2,000 paid to a complainant as a result of a children’s social care Stage 2 complaint.
- 3.12 No complaints were considered vexatious.

#### 4. Informal and Policy Complaints

- 4.1 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 to the resolution of complaints about services in Environment and Regeneration such as waste collection and street cleaning and this is reflected in the significantly higher number of informal complaints logged against this department compared to others. Informal complaints increased by 56% compared to 2013/14.

	2014/15	2013/14	Change
Corporate Services	18	24	-25.0%
Children, Schools and Families	39	2	+1850%
Environment and Regeneration	440	288	+52.8%
Community and Housing	2	6	-66.7%
<b>Total</b>	<b>499</b>	<b>320</b>	<b>+55.9%</b>

4.2 The table below gives a breakdown of informal complaints by service area.

	Number	Service
Corporate Services	18	4 Housing Benefit & 4 Council Tax
Children, Schools & Families	2	1 Social Care & 1 CSP
Environment & Regeneration	440	260 Street Scene & Waste
Community & Housing	2	1 Libraries

4.3 Policy complaints are defined as 'expressions of dissatisfaction with the council's policy in a specific service area', as opposed to dissatisfaction with of failure of services 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 aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal

4.4 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.

4.5 Twenty eight policy complaints were received, the same as in 2013/14.

	2014/15	2013/14	Change
Corporate Services	3	12	-75.0%
Children, Schools and Families	0	1	-100%
Environment and Regeneration	23	14	+64.3%
Community and Housing	2	1	+100%
<b>Total</b>	<b>28</b>	<b>28</b>	<b>0.0%</b>

4.6 Of the 23 policy complaints received in Environment and Regeneration, six related to parking permits and three to vehicle crossovers, whilst other complaints concerned garden waste, recycling and building noise.

## 5. The services customers complain about

5.1 The areas that customers complained about the most, at Stage 1 are:

Service	Number	% of total received
<b>Waste &amp; Streetscene</b>	388	42%
<b>Council Tax</b>	79	8.5%
<b>Benefits</b>	75	8%
<b>Parking</b>	48	5%
<b>Planning</b>	36	4%

Traffic & highways	34	3.7%
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## 6. Local Government Ombudsman (LGO) Enquiries

- 6.1 The Annual Review letter from the LGO is attached as **Appendix A**. The LGO received 98 complaints and enquiries about the council's services, 9 less than 2013/14. Seventeen were investigated (29 in 2013/14) and 30 were closed after initial enquiries (27 in 2013/14).
- 6.2 Of the seventeen cases investigated the Ombudsman upheld complaints against the council in seven cases.
- 6.3 A breakdown of investigations made by the LGO during the year is attached as **Appendix B**.
- 6.4 The Complaints team monitors the response deadlines set by the Ombudsman in their communications with the council. The council responded to 92% of the deadlines on time.

Service Area	Compensation
Children's Social Care (Child Protection conference)	£300
Children's Social Care (Child Protection referral)	N/A
Adult Social Care (Domiciliary care)	£150
Planning	£600
Building Control	£1000
Greenspaces (Allotments)	N/A
Greenspaces (Use of tennis courts)	N/A

- 6.5 In total, £2,050 was paid following decisions made by the LGO. The majority of payments were to compensate complainants for time and trouble. This is broadly inline with the findings of a recent National Audit Office report.
- 6.6 There is no formal LGO benchmarking undertaken however, analysis was undertaken of performance of all London boroughs and Merton had the:
- 7<sup>th</sup> lowest number of referrals to the LGO in London, with 86; and
  - 4<sup>th</sup> lowest number of upheld complaints in London, compared to the number investigated. See **Appendix C** for details.
- 6.7 The LGO has developed a workbook for councillors which explains how they can support local people with their complaints and identifies

opportunities for using complaints data as part of their scrutiny toolkit. This workbook has been distributed to all Merton councillors.

## 7. Benchmarking

- 7.1 The Complaints team attends London wide complaints forums considering best practice issues and contribute to the London Complaints Managers Group, which works closely 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.

## 8. Members and MP Enquiries

- 8.1 The total number of Member and MP enquiries received, via the members' enquiry inbox, was 2,775, an increase on 2013/14 when 2,583 were received. Overall MP enquiries make up around 60% 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	2014/15	2013/14	Change
CS –Revenues & Benefits (370)	370	329	+12.5%
CS&F – Schools admissions (30) & social work (17)	145	117	+23.9%
E&R –Traffic & Highways (371) Waste Services (342)	1,395	1,333	+4.6%
C&H –Housing Needs (689)	869	804	+8.1%
<b>Total</b>	<b>2,775</b>	<b>2,583</b>	<b>+7.4%</b>

- 8.2 A breakdown of Member and ME enquiries by ward and by service area is shown in **Appendix D**.

## 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. During 2014/15 only five were returned. Two stated their response did not address all the points raised in their

complaint and two stated that the letter did not explain what had happened to resolve their complaint.

- 9.2 There has been a continuing focus by the Complaints team on working with service managers to use complaints as a valuable feedback on customer concerns which help identify and prioritise service improvements.
- 9.3 As well as making improvements to services identified from feedback through complaints, the Complaints team has been focussing on improving how managers handle complaints. Work is underway in Children's Schools and Families to increase the number of complaints resolved at the first stage and therefore preventing escalation.
- 9.4 Where complaints investigations have identified issues around professional practice, procedure 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 will listen to the call to ensure the Stage 1 response is fair and unbiased and that if the complaint escalates to Stage 2, it will not be because the issue has not been investigated thoroughly.
- 9.6 Following a Stage 2 complaint about how the revenue and benefits service dealt with a vulnerable resident a staff training need was identified. As a result a course was run in Spring 2015 on "Identifying vulnerability and its impact on revenue collection".
- 9.7 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 2014/15 is now held on file and is readily available should it be required in the event of an inspection.
- 9.8 The Head of Information Governance attends all of the DMTs every two months to maintain a high profile for complaint handling by service managers and to identify areas where performance needs to be addressed.

## **10. Next Steps**

- 10.1 The Complaints team periodically reviews the corporate complaints procedure to ensure it continues to be fit for purpose and takes account of any new relevant legislation and best practice.



- 10.2 The Complaints team will work with the Business Improvement team to agree how feedback from complaints can be used in the council's programme of continuous improvement.
- 10.3 The Complaints team will be reviewing the feedback sent to the departmental management teams, to ensure it meets their needs.
- 10.4 A case management system is due to be developed as part of the Customer Contact project.

## **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 £2600 was offered to complainants as local settlement and £2,200 was paid following decisions made by the LGO, mainly for time and trouble payments.
- 14.2 Stage 2 complaints that are subject to the Children Act regulations require an independent investigator and an independent person to be appointed. In 2014/15, three Stage 2 complaints were made, at a cost of £13,406. 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 Complaints for Adult Social Care are governed by the Local Authority Social Services and National Health Service Complaints (England) Regulations.
- 15.3 Complaints about Children's social care fall under the requirements of the Children Act 1989 and statutory guidance issued in 2006 called "Getting

*the Best from Complaints*” which advises local authorities on implementing the Act.

15.4 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 Training has been undertaken by both the Complaints team and Revenues and Benefits to improve communication with people with a learning disability.

16.3 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer. There were 5 complaints that alleged harassment or discrimination, one was upheld, one was partially upheld and the rest were not upheld.

## **17. Risk management and health and safety implications**

17.1 Poor complaint handling could be a reputational 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.

18.2 Breakdown of LGO investigations in Merton

18.3 LGO performance by London Borough

18.4 Breakdown of Member and MP enquiries by ward and service area

## **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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