

Audit and Performance Committee Report

Meeting:	Audit and Performance Committee
Date:	2 December 2015
Classification:	General Release
Title:	Annual Complaints Review 2014/15
Wards Affected:	All
Financial Summary:	There are no financial implications from this report
Report of:	Sue Howell, Complaints and Customer Manager Telephone: ext 8013 E-mail: showell@westminster.gov.uk

1 Executive Summary

- 1.1 The purpose of this report is to present to the Audit and Performance Committee the Council's Annual Complaints Review for 2014/15 (**see Appendix 1**).
- 1.2 The attached report (**Appendix 1**) summarises the Council's complaints performance (complaint stages 1, 2), those complaints received by Local Government Ombudsman (LGO), and a limited review of dealing with the Leader and Cabinet Member correspondence. Appended to the Annual Complaints Review is a copy of the Local Government Ombudsman Annual Letter/Review for the year ended 31 March 2015 (see **Appendix B** of that report) and a copy of CityWest Homes Complaint Report for 2014/15 (see **Appendix A1**).

2 Recommendations

- 2.1 Members are requested to review and note the information about complaints set out in the Annual Complaint Review 2014/15 (**Appendix 1**).

3 Complaints Handling

3.1 The Council has two stage complaints procedure. The two stage procedure is as follows:

- **Stage 1** - Complaints are addressed by the local service delivery manager (10 working day turnaround).
- **Stage 2** - A Chief Executive's review undertaken (10 working day turnaround)

If the complainant still remains dissatisfied he/she can take the concern to the Local Government Ombudsman (LGO)

3.2 The procedure covers most council services. However, Adults and Children's Social Care Services each have their own separate statutory complaints procedure and as such separate reports are produced for Member and Officer oversight. In view of this information about these services has not been included in this report. In addition, CityWest Homes (CWH) has been operating its own complaints procedure since 1 April 2012 and produces its own annual complaint report which goes to the Housing Board. A copy of the 2014/15 report is attached (see **Appendix A1**).

3.3 The Council's definition of a complaint as redefined and agreed by the policy and Resources Committee in April 1994 is:

'Dissatisfaction expressed by the customer which the customer wishes to be treated as a complaint, whether expressed in writing, on the telephone or in person. If in doubt, it's a complaint'

3.4 This definition is quite broad and also includes complaints made by email or via the Council's website.

3.5 There can be confusion between what constitutes a complaint and a request for a service. Generally when a member of the public makes a first request for a service usually this is not considered a formal complaint. The request can become a complaint if the person makes further contact and remains dissatisfied as the matter has not been dealt with satisfactorily, or to protest against the Council's policies and procedures regarding their service request. Departments apply common sense when deciding what is a complaint as the majority of customers simply wish the Council to put something right so a service area may attempt to do this a couple of times before the matter is put into the formal complaints procedure.

3.6 With effect from 1 April 2014, the target response time for both stage 1 and stage 2 is 10 working days. Previously it was 15 working days. The reduction was an opportunity for the Council to take a lead in best practice to reduce the total number of days to go through the whole process as most London local authorities were taking 30 days to go through the whole procedure. Our procedure now takes a total of 20 days to go through both stages.

- 3.7 Data in the Annual Complaint Review (see Item 5 – Response times) suggests that the reduction in target response times is not having an adverse effect on overall performance. There was a reduction of those stage 1 complaints being completed within target response time (down 7%), and this can be attributed to the new shorter 10 day target. However, 86% of stage 1 complaints did meet the target, and this is still considered a good performance. In contrast performance at stage 2 showed a small improvement (up 1%) and 76% of complaints were completed in target response time. This was achieved despite an increase in complaint volume (up 17 cases on the previous year) and with the new 10 working day target therefore more complaints were done in less time.
- 3.8 As previously mentioned in item 3.2 not all complaints are dealt with through the Council's complaints procedure, and Adults and Children's Social Services have their own statutory complaints procedure as does CityWest Homes.
- 3.9 In addition to this the council's complaint procedure does not deal with issues where there are separate legal procedures such as disputes over parking tickets, planning applications appeals and Housing Benefit appeals. For example, the complaints procedure cannot deal with a complaint from a motorist who is disputing the issue of a parking ticket. This is because there is a separate and statutory appeals process which takes precedence over the complaints procedure. A motorist can however complain about other aspects of the service such as allegations that communications were not responded to or that the Council has failed to follow due process. For this reason the complaints included in this report only relate to allegations of service failure and where there is not a legal, statutory procedure or an alternative complaint procedure to deal with the specific issue.
- 3.10 The analysis of stage 2 complaints revealed that there were no serious service failings in any of the 183 complaints received and as noted in item 5.22 and 6.1 of the report only 5 stage 2 complaints were Upheld (5 of 183). Overall human error was the main factor in the 5 complaints being upheld.
- 3.11 While the Annual Complaint Review noted that the council has seen more complaints escalating to stage 2 in 2014/15, the data reveals in 84% of the complaints received the complainant did not cite specific fault with the stage 1 decision, and either requested a review without explaining why, or repeated the same complaint made at stage 1. This indicates that complainants were requesting a review simply because they did not like the stage 1 decision rather than because they found fault with how the service area reached its decision.
- 3.12 There has been leaning from complaints, and as noted in Item 6.1 of the report ten stage 2 complaints gave rise to a change in policy or procedure, and these were complaints which did not have an Upheld finding. The report provides more detail of these 10 cases

3.13 The Annual Complaint Review has done some analysis of complaints made to the Local Government Ombudsman (LGO) and has not highlighted any serious failings coming from those complaints. The report did advise that the LGO Annual Letter/Review (**Appendix B** of that report), no longer comments on a local authorities performance when handling complaints made to them and simply provides some statistical information and details some news on their organisation.

3.14 Some headline findings from the Annual Complaint Review are as follows:

- **Complaint Numbers** – There has been an overall decrease (down 56) from 994 to 938 in the total number of complaints across all stages of the complaints procedure. The decrease is not significant.
- **Response Times** - A reduction in meeting the target response times for stage 1 and stage 2 – Fewer stage 1 complaints met the target response time (down 7% on 2013/14). This can be attributed to the new 10 working day target. However, 86% of stage 1 complaints did meet the target response time, and this is still considered a good performance.

There was an improvement in the Stage 2 target response time performance from 75% to 76%.

- **Upheld Complaints** – The percentage of upheld complaints is low. At Stage 1, they are down from 28% to 24%. At Stage 2 they have been reduced significantly, from 14% to 3%.
- **Local Government Ombudsman (LGO)** – The LGO Annual Review for the year ending 31 March 2014 provided no comment on the Council's performance
- **LGO Average Response Times** - The council's average response time was 27 days against a benchmark of 28 days.
- **Leader and Cabinet Member Correspondence** – The data provided indicates that there has been an increase (up 63) in the volume of correspondence received

4 The Management of Complaints

4.1 The following are being or have been developed to address and improve the management of complaints:

- From 1 April 2015 the target response times for stage 1 and stage 2 complaints are now 10 working days. Previously they were 15 working days for each stage.
- A decision was taken at the beginning of the financial year not to go ahead and create a tri borough complaints team.
- The Complaints Team has drafted a paper setting out corporate targets for responding to various forms of communications such as general correspondence, e-mails and Member correspondence. This paper will go to

the Executive Management Team in October 2015. This will set a corporate standard in dealing with all types of communications and provide service areas with clarity regarding all types of target response times and promote consistency so that a customer and Members should receive similar service from all areas.

- A project is underway to purchase a one IT system to manage complaints/FOI and Member correspondence. A single system is required so that we can standardise and harmonise procedures where practical, to improve the external customer experience of complaints, correspondence and requests for information and provide greater transparency and resilience in processes for departments.
- As part of the implementation of the new system it is proposed that the role of the Complaints team is expanded to undertake some of the functions carried out by the FOI team at present, in particular the tracking and managing of FOIs. This will free up the FOI team to focus on the more complex cases where specialist knowledge is required. There are synergies between the two functions in that both are process driven and that both follow a complaints process if there is dissatisfaction either with the service provided or in meeting the FOI request. The model of having a team that undertakes complaints and FOI requests is not uncommon, and skilling up officers to handle complaints and FOI enquiries will provide a more resilient team in times of high volume.

5 Financial Implications

There are no financial Implications associated with this report.

6 Legal Implications

There are no legal implications associated with this report.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Sue Howell, Complaints and Customer Manager

E-mail: showell@westminster.gov.uk

BACKGROUND PAPERS

None

APPENDIX 1
Annual Complaint Review 2014/15