



City of Westminster

## **Annual Complaints Review 2014/15**

15 October 2015

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## 1. Introduction

- 1.1 This report presents complaints performance and trends for 2014/15. It also includes a performance review of Local Government Ombudsman (LGO) first time enquiries and a limited review of Leader and Cabinet Member correspondence.

## 2. Background

- 2.1. The council's two stage complaints 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)
  - **LGO** - If the complainant still remains dissatisfied he/she can take the concern to the LGO
- 2.2. The procedure covers most council services although Adults and Children's Social Care Services each have their own statutory complaints procedure. In view of this separate reports are produced for Member and Officer over sight, therefore information about these services has not been included in this report.
- 2.3. CityWest Homes (CWH) has been operating its own complaints procedure since 1 April 2012, and therefore their complaints data is not included in this report. CWH produces its own annual complaint report and this goes to the Housing Board. A copy of the 2014/15 report is attached (see **Appendix A1**).
- 2.4. At stage 1 of the complaints procedure data relating to complaints is captured on a number of different systems although some services do use the Council's SharePoint Complaints database. All stage 2 complaints are recorded on the SharePoint Complaints database. For this reason a detailed analysis of data across both stages of the complaints procedure is not possible. However, data collected by the Customer and Complaints Team on a quarterly basis means we can report on volume, response times and complaint decisions.

## 3. The management of complaints

- 3.1. 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. The Council took this decision so it could deal with complaints more efficiently and lead the way in best practice by reducing the length of time it takes to get through a complaints process (currently the average time for most London authorities is 30 days against 20 days for the Council). Therefore this report cannot do a like for like comparison although we can with

simply compare performance on those cases who met the target response time regardless if the target response was 15 or 10 working days.

- 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.

#### 4. **Headline findings**

**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.

**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

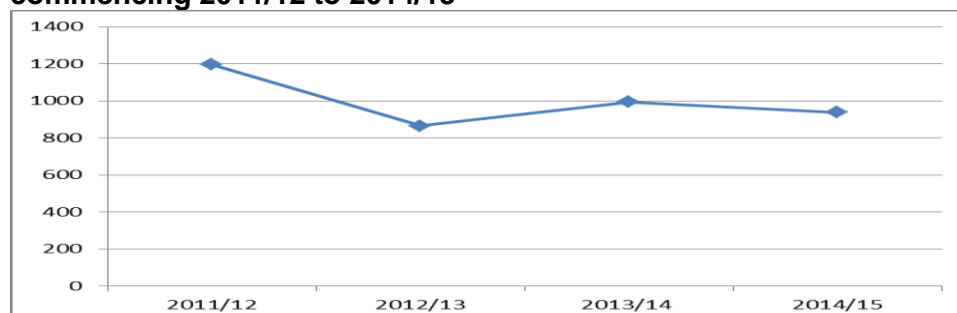
## 5. Complaint Volumes

**Table 1: Comparison of total numbers of complaints for 2013/14 and 2014/15**

	2013/14	2014/15	Variance	% change
Stage 1	830	755	-75	-9%
Stage 2	165	183	18	11%
Total	994	938	-56	-6%

- 5.1. As indicated in **Table 1** there has been an overall decrease (down 56) in the total number of complaints across all stages of the complaints procedure when compared to the previous year.
- 5.2. Given the data limitations it is difficult to draw any firm conclusions from the decrease as it is not a significant change, and as shown in **Chart 1** below complaint totals for the last four years remain within the range of between 1200 to 940 complaints.

**Chart 1: Total complaint numbers across all stages for the years commencing 2011/12 to 2014/15**



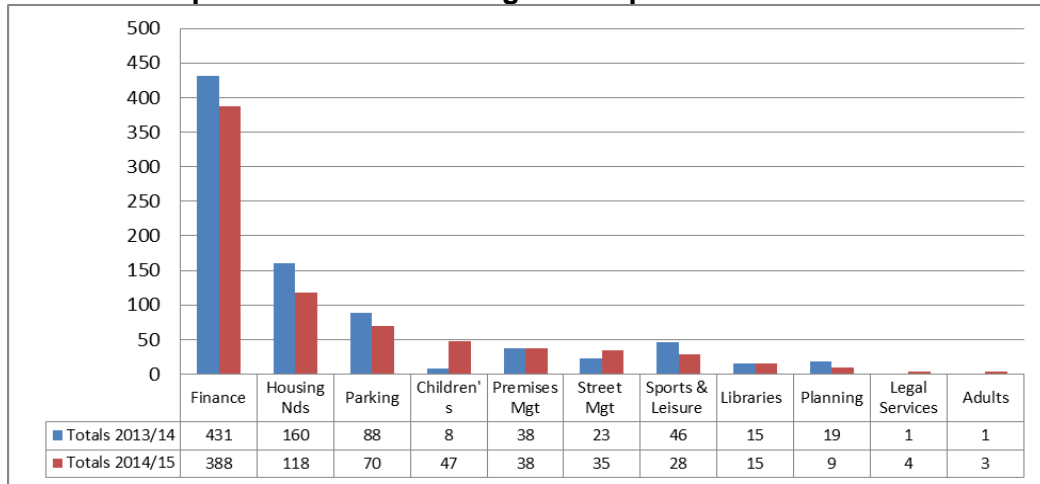
### ***Volumes by service areas across all stages of each complaints procedure***

#### ***Stage 1***

- 5.3. Complaint volume is not a good indicator when looking at performance and when trying to determine if service areas have been delivering good services or not. Therefore complaint volumes need to be viewed with

some context as the council successfully carries out the majority of transactions with its residents and customer, and very few requests enter the complaints procedure. For instance, there were a total of 84 stage 1 Council Tax complaints relating to 123,000 Council Tax properties (160,000 Council Tax accounts per annum), for Benefits the 280 stage 1 complaints needs to be taken in the context of there being 27,000 claimants in the borough.

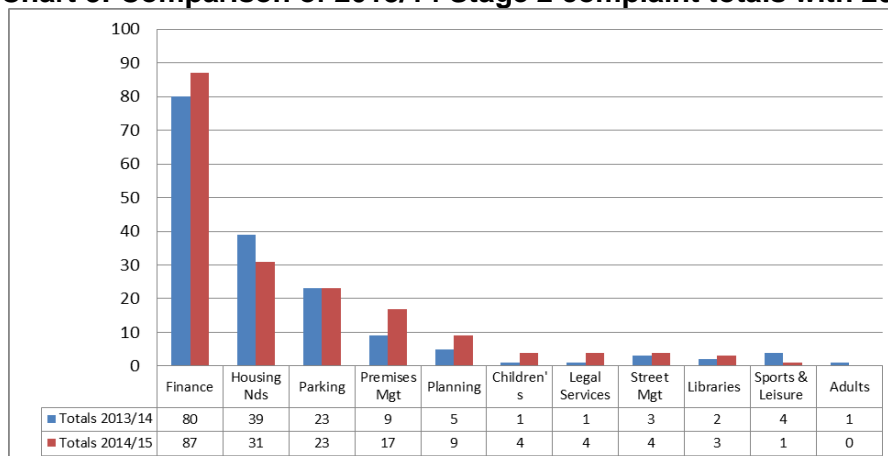
**Chart 2: Comparison of 2013/14 Stage 1 complaint totals with 2014/15**



- 5.4. As indicated in **Chart 2** the volume of stage 1 complaints comes from Finance which includes Housing Benefit (HB), Council Tax (CT) and Business Rates (NNDR), and also from Housing Needs and Parking Services. This mirrors the previous financial years.
- 5.5. While generally there was an overall downward trend in complaint volumes it appears there has been an increase in corporate complaints from Children's Services (up 39). However, data for 2013/14 wasn't collected from across all teams so the total figure of 8 is not a full representation of complaints received for that year. The data for 2014/15 reflects complaints received across all teams.

## Stage 2

**Chart 3: Comparison of 2013/14 Stage 2 complaint totals with 2014/15**



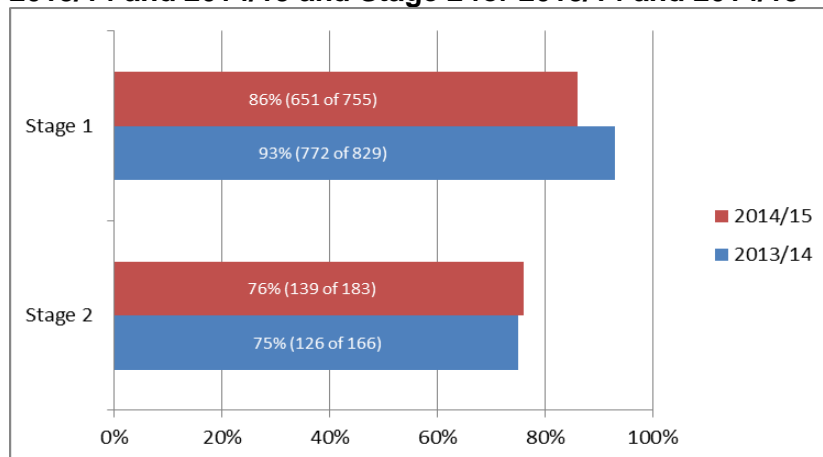
5.6. **Chart 3** indicates there has been an increase in the volume at stage 2 when compared with the preceding year (up17). As complaint volume as a performance measure is not a good indicator and what is more relevant is why the complaint went to stage 2 and whether the complaint was upheld or not. The reasons for complaint escalation are discussed later in this report.

**Response Times**

5.7. The target response time for complaints received in 2012/13 was 15 working days for both stage 1 and stage 2, and since 1 April 2014 the target response time for stage 1 and stage 2 is 10 working days.

5.8. As there has been a change in the target response times the data in the graphs and charts represent those cases which met the target response regardless of whether it was 15 or 10 working day target.

**Chart 4: A comparison of target response times for Stage 1 between 2013/14 and 2014/15 and Stage 2 for 2013/14 and 2014/15**



5.9. As seen in **Chart 4** there was a reduction of those stage 1 complaints being completed within target response time (down 7%). The decline can be attributed to the new shorter 10 day target. However, 86% of complaints met the target and this is still considered a good performance.

5.10. Performance at Stage 2 showed a small improvement (up 1%) and 76% of complaints were completed in target response time. This is a good performance as complaint volume is up 17 and the response time was reduced to 10 working days therefore more complaints were done in less time.

5.11. **Table 2** below compares performance for the service areas across stage 1 & 2.

**Table 2: Comparison of % of stage 1 complaints answered within target response time for 2013/14 & 2014/15**

	% STAGE 1 completed within Target Response for 2013/14	% STAGE 1 completed within Target Response for 2014/15	Performance indicator	% STAGE 2 completed within Target Response 2013/14	% STAGE 2 completed within Target Response 2014/15	Performance indicator
Housing Nds	90%	97%	▲	64%	84%	▲
Planning	74%	67%	▲	100%	22%	▼
Education	38%	9%	▲	0%	Nil complaints rcvd	▶
Parking	95%	71%	▼	78%	83%	▲
Finance	98%	99%	▲	79%	78%	▼
Legal	100%	100%	▶	100%	100%	▶
Libraries	93%	93%	▶	100%	100%	▶
Street Mgt	57%	46%	▼	67%	50%	▼
Sports & Leisure	96%	89%	▼	25%	100%	▲
Premises Mgt	81%	74%	▼	89%	59%	▼

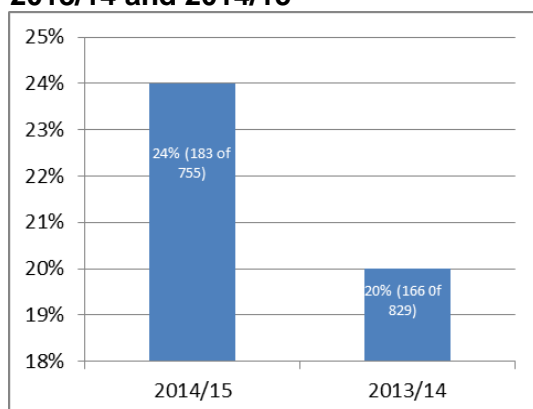
▼	decline in performance
▲	improvement in performance
▶	no change

**Escalation rate (from stage 1 to Stage 2)**

5.12. When looking at the escalation rate it is worth noting that the Council’s complaints procedure is open and welcomes residents wishing to make a complaint. The process is designed to learn from complaints so to improve service delivery and the customer experience. The procedure has no bar to escalating a complaint so long as there is a stage 1 response a stage 2 review is undertaken even if the complainant has not fully explained why they are dissatisfied with the stage 1 reply. This approach also allows the complainant access to the Local Government Ombudsman (LGO) as the LGO will not normally investigate a complaint unless it has been through all stages of the authorities’ complaints procedure.

5.13. **Chart 5** below indicates that there has been a 4% increase in cases escalating from stage 1 to stage 2 when compared with 2013/14. Data in **Table 3** below provides a service comparison.

**Chart 5: Comparison of escalation rates from stage 1 to stage 2 for 2013/14 and 2014/15**



**Table 3: A comparison breakdown of complaints escalating from stage 1 to stage 2 for 2013/14 & 2014/15**

	2013/14 Complaint Escalation stage 1 to stage 2	2014/15 Complaint Escalation stage 1 to stage 2	% Variance
	S1 to S2	S1 to S2	
Housing Nds	39 of 160 (24%)	31 of 118 (26%)	2%
Planning	5 of 19 (26%)	9 of 9 (100%)	74%
Children's	1 of 8 (13%)	4 of 47 (9%)	-4%
Parking	23 of 88 (26%)	23 of 70 (33%)	7%
Finance (HN/CT/NNRD)	80 of 431 (19%)	87 of 388 (22%)	4%
Legal	1 of 1 (100%)	4 of 4 (100%)	0%
Libraries	2 of 15 (13%)	3 of 15 (20%)	7%
Street Mgt	3 of 23 (13%)	4 of 35(11%)	-2%
Sports & Leisure	4 of 46 (9%)	1 of 28 (4%)	-5%
Premises Mgt	9 of 38 (24%)	17 of 38 (45%)	21%
<b>Totals</b>	<b>166/829 (20%)</b>	<b>183/755 (24%)</b>	

5.14. While we have 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.

### ***Complaint decisions***

5.15. An upheld complaint indicates that all the main component(s) of the complainant's dissatisfaction has been accepted by the service area. Therefore high volumes of upheld complaints are an indicator that there has been a problem with aspects of service delivery. Small proportions of complaints being upheld can indicate that there is not a problem with service delivery.

**Table 4: A comparison of complaint decisions for 2013/14 & 2014/15**

	Stage 1	Stage 1		Stage 2	Stage 2	
	2013/14	2014/15		2013/14	2014/15	
Upheld	28% (234 of 829)	24% (178 of 755)	▲	14% (23 of 166)	3% (5 of 183)	▲
Not Upheld	50% (416 of 829)	52% (393 of 755)	▲	67% (111 of 166)	77% (140 of 183)	▲
Partially Upheld	21% (172 of 829)	24 % (180 of 755)	▼	19% (32 of 166)	21% (38 of 183)	▼

5.16. The data in **Table 4** indicates that at stage 1 there has been an improvement in performance with a slight decrease (down 4%) in Upheld decisions when compared with 2013/14. This data together with an increase (up 2%) in Not Upheld decisions indicates that overall fewer faults in service delivery are being found in those cases which enter the complaints procedure.



- 5.17. At stage 2 there has also been a decrease (down 11%) in Upheld decisions when compared with 2013/14, and only 3% (5 of 183) of stage 2 complaints were upheld in 2014/15. There was also an increase in the % of Not Upheld complaints (up 10%). These findings support a robust stage 1 process.
- 5.18. Overall there has been a slight increase in Partially Upheld complaints at both stage 1 and stage 2. A finding of Partially upheld decision is used when the majority of the complaint concerns are Not Upheld, but there have been some minor lapses in service delivery which the service area accept could have been done better. For example being more pro-active in communications. However, the minor lapse has not had an impact on the main concern.

## **6. *An analysis of Stage 2 complaints***

- 6.1. As mentioned in item 2.5 a more detail analysis of Stage 2 complaints can be made as this data is recorded by the Complaints and Customer team as it investigates the complaints on behalf of the Chief Executive. While a more detailed analysis is possible it should be noted that total complaint volume is low and only 24% (183 of 755) of stage 1 complaints escalated to Stage 2 with the volume of these coming from three services (Finance, Housing Needs and Parking).
- 6.2. Such a small proportion of complaints make it difficult to establish trends and/or any generic service failings. However, there has been some learning from stage 2 complaints and 10 complaints gave rise to a change in policy or procedure. It should be noted that most of the service learning has not come from the 5 upheld complaints. This supports the value of an open complaints procedure as Stage 2 provides an opportunity through the review process to improve service delivery even if the complaint has not been upheld.
- 6.3. 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 only 5 stage 2 complaints were Upheld (5 of 183).
- 6.4. Overall human error was the main factor in the 5 complaints being upheld. Of the 5 complaints 4 were from Finance of which 2 were from CT and 2 from HB. The fifth was a parking issue.
- 6.5. In one of the Council Tax complaints an error was made when searching for a company address using information from a third party. The error led to the wrong household being billed and owing to non payment the matter went to Liability Order. Members of staff have been made aware of the consequences of this error. In the other complaint an error was made in using an e-mail address and therefore the complainant did not receive copies of Council Tax demands. This error should have been picked up at stage 1 of the complaints procedure and the complaint was upheld for this reason.

- 6.6. There were 2 Upheld HB complaints. One involved a claimant being advised that he had an overpayment of around thirty thousand pounds. The claimant complained that this amount was not owed even though the stage 1 response confirmed it was. The stage 2 investigation revealed that there had been an error in the calculation as his claimed had been reassessed and the overpayment now due was around four thousand pounds. The second Upheld HB complaint was an allegation that claims for short stay hotels had not been assessed. It was found that there had been delays in requesting decisions from the rent officer and staff were reminded about the need to check whether a case had been referred or not. Errors were also found in some of the claims as rent officers decisions were requested despite existing decision being in place. The service is looking to see if it can strengthen its internal procedures when dealing with this type of multiple claim.
- 6.7. The Upheld Parking Services complaint involved miscommunications over a road which should have been enforced during the 2014 Notting Hill Carnival. Although this issue was resolved between the complainant and the control room a CEO did not attend the area despite 3 requests being made. It seems that an operator failed to pass on this information and this is why no visit was taken and the staff member was dealt with by his employers being the Parking enforcement Contractor.
- 6.8. As noted in 6.1 there was complaint learning and a further 10 stage 2 complaints gave rise to a change in policy or procedure, and these were complaints which did not have an Upheld finding.

***Complaint learning  
Cases involving Parking Services***

- 6.9. Following a complaint regarding a vehicle being sold at auctioned despite the case being at Court with a late statutory declaration in process, Parking Services issued new instruction to the Bailiff contractor that all vehicles must be withdrawn from auctions once TEC notifies them of late statutory declarations being made.
- 6.10. A stage 1 response refused to answer a complaint made about staff behaviour under the previous contractor. The Parking Services Customer Relations team has now been instructed to respond to all queries about the former contractor.
- 6.11. A member of the public was filming a police car in Leicester Square and Parking Marshals mistakenly requested that he stop. This request led to a tussle and the member of the public was cautioned by police. As a result of the stage 2 investigations new instructions were given to the marshals clarifying their powers in such public areas and that they could expect members of the public to film the area.

***Cases involving Housing***

- 6.12. Following a complaint about the use of the term to call self-contained rooms with bathroom and cooking facilities as 'bed and breakfast', first stage accommodation will now be referred to as 'interim

accommodation' prior to the acceptance of statutory homelessness, and 'temporary accommodation' after acceptance.

- 6.13. The complainant had been housed in emergency accommodation and he complained that no planning permission had ever been granted for the property that Housing Options had placed him in. While there was planning permission for the building the issue was it did not cover all of the flats in the property. As a result of the complaint Housing Options are now aware of the need for Community Housing to check that planning permission has been granted for properties before passing them to Westlets for letting.
- 6.14. A complaint was made that all of the potential flats in a new-build were not shown to a prospective tenant who could in theory have applied for any of them. It was established that the Housing Association had shown a show-flat, but not alternative plans or flats to prospective tenants. Following the stage 2 complaint it was decided that this type of letting of new builds offered to the Council via a Housing Association did not match HOS' usual procedure therefore changes would be made to avoid repetition of this error if further new-builds are offered for lettings.
- 6.15. As a result of complaint about a Westlets property from a landlord regarding whether rent would be paid if a property remained empty procedure has now been changed and Westlets now send a letter to the landlord when they arrange a tenancy, explaining on what basis the transaction is proceeding, that is, the rent protection scheme or the tenant introduction scheme.

#### ***Cases involving Premises Management***

- 6.16. The Safety team received a complaint from a member of the public regarding the suitability of a workstation and the requirements on their employer to make appropriate adjustments. The Safety team revised its approach to ensure that customers are advised that the team's investigation will proceed according to what the team's professional opinion dictates and not the requirements or expectations of the complainant.

#### ***Cases involving Sport and Leisure***

- 6.17. A Leisure Centre which was partly closed following over-running repairs work and the complainant was concerned that this had not been communicated to customers wishing to use the facility that day. As a result of the complaint instructions were given to leisure centre managers to arrange signposting at the entrance to explain that part of the facility is closed on such occasions.

#### ***Cases involving Policy and Strategy***

- 6.18. A complaint to the Digital Team that a member of the public had not been allowed to make a complaint by telephone or verbally led to the inclusion of wording to explain that this is possible on the Westminster website.

## Compensation

- 6.19. During the complaint investigation if the council found it did something wrong it should offer a remedy which should put the complainant back in the position he/she was in before the error occurred. This is not always possible and sometimes an apology is not enough. Therefore when appropriate, Officers can make an offer of compensation.
- 6.20. Data in **Table 5** shows an increase in the amount of compensation offered (up £400) on the preceding year although there were fewer cases where a financial remedy was required.

**Table 5: A comparison of compensation offered at the final stage of the complaints procedure for 2013/14 & 2014/15**

Stage 3 Compensation	2014/15		2013/14	
	Totals (£) offered in 2014/15	Nos of cases compensation was offered in 2014/15	Totals (£) offered in 2013/134	Nos of cases compensation was offered in 2013/14
Parking	£200	1	£50	1
Finance	£1,300	7	£1,150	10
Housing Needs	£1,500	1	£1,400	1
Premises Mgt				
Planning				
Libraries				
Sports & Leisure				
Street Mgt				
Legal				
<b>Totals</b>	<b>£3,000</b>	<b>9</b>	<b>£2,600</b>	<b>12</b>

- 6.21. One compensation payment of £1500 was offered by Housing Options. The case involved a disabled, vulnerable applicant who was accommodated in emergency accommodation and it was discovered that this particular flat did not have planning permission. The complainant also had other concerns regarding the accommodation he was placed in. The compensation payment was met by Adult Services and by the contractor delivering the Housing Option Service, both paying equal amounts as both were involved in the placement of this individual and this was the main basis of his dissatisfaction.
- 6.22. A total of £1,300 in compensation payments for 7 cases was offered by Finance for HB/CT & NNDR. The amounts were small and were generally made to reflect short delays and minor errors in the claim process. However, the compensation paid did not come from Council revenue and was paid by the Revenue and Benefit contractor as they were responsible for the original errors/delays.

## 7. Local Government Ombudsman (LGO) first time inquiries

- 7.1. When the LGO decide that they wish to investigate a complaint about council services they can do so by simply reviewing the information the complainant has provided and/or use information from various web sites or set out in legislation. If they want to obtain specific information

from a local authority, such as asking questions or requesting copies of correspondence to assist in an investigation they will write to the relevant council with their request. This is known as first time enquiries. The average response times of first time enquiries is used as a performance measures by the LGO.

- 7.2. The data in **Table 6** shows a small decrease (down 3) in the number of first time enquiries when compared with the preceding year. This report also notes that these first time enquiries include 4 cases from Adults Social Care which were not investigated under the Council's Corporate Complaints Procedure.

**Table 6: LGO total First Time Enquiries for the years 2013/14 & 2014/15**

	First Time enquiries Totals 2013/14	First Time enquiries Totals 2014/15	Variance
Premises Mgt	0	2	2
CityWest Homes	8	0	-8
Street Mgt	1	0	-1
Sports & Leisure	1	0	-1
Finance - CT & NNRD	2	6	4
Finance - HB	4	5	1
Housing Nds	9	9	1
Parking	4	1	-3
Planning	1	1	0
Adult's Social Care	6	4	-3
Children's Social Care	0	0	0
Legal	0	0	0
<b>Totals</b>	<b>31</b>	<b>28</b>	<b>-3</b>

- 7.3. **Table 7** (below) provides a comparison of all the LGO complaints investigated and decided by the LGO (including the first time enquiries set out in **Table 6**), for 2013-14 and 2014-15 against each service area, and there has been an overall reduction of 14 complaints.

**Table 7: A comparison of all LGO complaints received for 2013/14 & 2014/15**

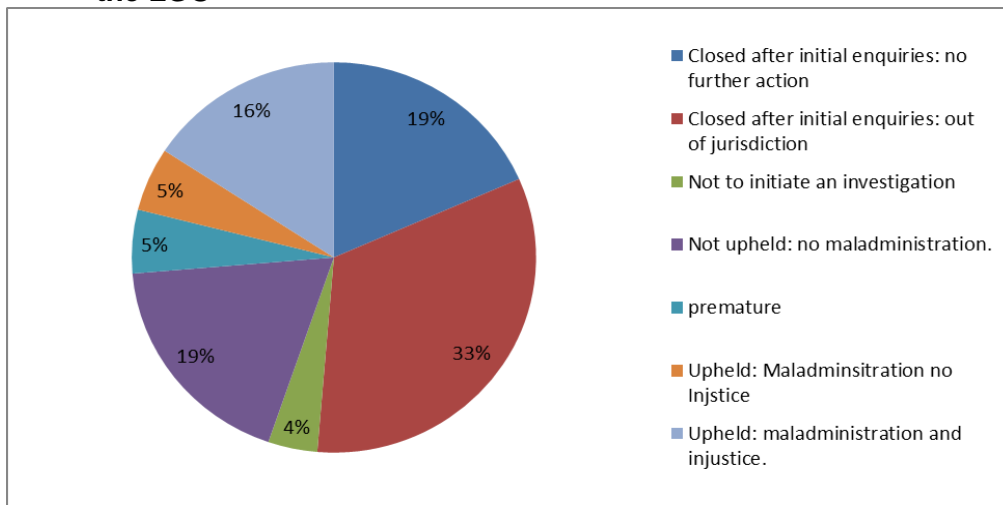
	LGO All Complaint totals for 2013/14	LGO All Complaint totals for 2014/15	Variance
Adults Social Care	7	6	-1
Children's Social Care	3	3	0
CityWest Homes	8	0	-8
Finance (HB/CR/NNRD)	25	22	-3
Housing Needs	17	23	6
Legal	1	1	0
Libraries	1	0	-1
Parking	17	14	-3
Planning	1	3	2
Premises Mgt	4	2	-2
Street Mgt	3	1	-2
Sports & Leisure	2	0	-2
<b>Totals</b>	<b>89</b>	<b>75</b>	<b>-14</b>

- 7.4. Of the 28 first time enquiries (**Table 6**) the LGO issued decisions of Upheld: maladministration with injustice in 12 cases (43%). This

classification of decision should not be confused with the issue of a formal report finding maladministration with injustice. From April 2014 the LGO changed the way it classifies its complaint decisions, and in particular a decision which was previously recorded as Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B), is now recorded as Upheld maladministration with injustice, or Upheld maladministration no injustice. If a formal report is issued the decision finding would be recorded as **Report issued: Upheld; maladministration and injustice.**

- 7.6. However, the new decision classifications do not reflect if the LGO has found any additional fault not identified in the stage 2 investigation and this is something for the local authority to analyse and comment.

**Chart 6: A % breakdown of decisions made on all 75 cases decided by the LGO**



- 7.7. **Chart 6** indicates that of the 75 decision made 85% of cases decided by the LGO found no fault, decided not to make enquiries, or decided the matter was out of jurisdiction as there was an alternative formal appeal route that should be used or the case went back into our complaints procedure. This does suggest many of the issues taken to the LGO are not matters for them or they have found no fault in the actions taken by the Council.

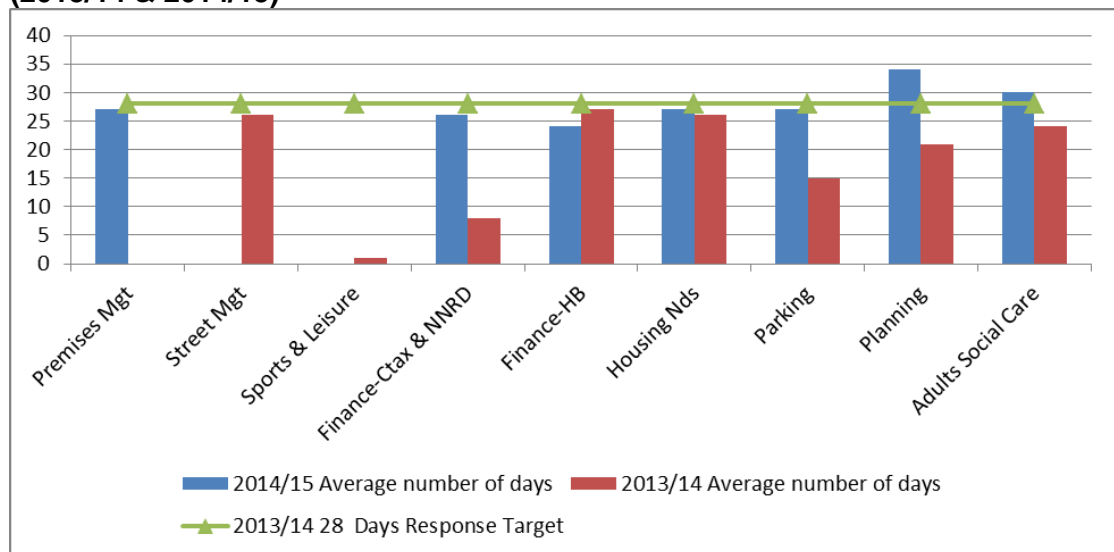
- 7.8. Of the 12 (16%) cases with a decision of Upheld: maladministration and injustice 4 were Partially Upheld at stage 2 of the complaints procedure therefore as the Council already found some fault, albeit very minor, the LGO would also issue an Upheld decision.

- 7.9. In the remaining 8 cases the LGO went on to find fault which was not identified as part of the stage 1 and stage 2 decision. In one case a complainant was unhappy that bailiffs had found a way into the concierge building to the company office to execute a warrant for unpaid business rates. The LGO agreed with the stage 2 finding that the bailiffs had done nothing wrong but found an error in the fees the bailiffs had charged. The amount the Bailiffs had charged were not part of the stage 2 complaint. The complaint learning from this case has led to stage 2 investigating officers checking any bailiff fees

applied when investigation complaints even if this is not part of the main complaint concern.

- 7.10. In one case the LGO generally agreed with the stage 2 complaint funding but increased the compensation offered at stage 2 from £25 to £50.
- 7.11. Overall, the LGO was finding fault through looking at the complaint in the wider context and sometimes with new information provided by the complainant, which was not brought to the Council's attention at stage 1 or stage 2. However, there were no cases where generally the stage 2 decision was completely at odds with the LGO finding.
- 7.12. The LGO monitors all local authorities on their response times to first time inquiries. The benchmark used for this is 28 calendar days from the date on the LGO enquiry letter.
- 7.13. The Council's calculation indicates that the average response time for first time enquiries is 27days for 2014/15. This is within the LGO benchmark of 28 days and represents a good performance. Data in **Chart 7** provides a comparative breakdown of the average number of days taken to reply based on the Council's records.

**Table 10: Comparison of average response times for first time enquiries (2013/14 & 2014/15)**



NB: Premises Mgt had no first time enquiries for 2013/14  
 Street Mgt had no first time enquiries for 2014/15  
 Sports and Leisure had no first time enquiries for 2014/15

- 7.14. The LGO produce an Annual Review/Letter and this used to set out any concerns the LGO might have regarding the handling of our complaints together with any performance issues surrounding meeting the 28 day benchmark for first time enquiries. The annual letter now provides some limited statistical information and an update on work they are developing. A copy of the Annual Review Letter can be found in **Appendix B**.
- 7.15. The Annual Review letter for 2014/15 provides two tables indicating the total number of complaints and enquiries this Council has received.

While the LGO tables state a 172 complaints and enquiries were received this figure includes all types enquiries and not just those cases where a decision is issued. Therefore of 172 complaints and enquiries made decisions were issued on 75 complaints and of these 31 cases were first time enquiries discussed in items 6.2.

### Compensation

- 7.16. The LGO can award financial payments as part of a remedy for the complaint. The term “injustice remedied” is used to describe decisions where the council remedied or agreed to remedy any injustice to the LGO’s satisfaction during the investigation so allowing the complaint to be closed. These remedies can include the payment financial settlements.
- 7.17. A comparative breakdown of LGO financial remedies for the years 2014/15 and 2013/14 can be found below (**Table 8**).
- 7.18. It is difficult to make performance comparisons between financial years as each complaint is dealt with on its merits. However, the **Table 8** (below) indicates there has been an increase (up £743.50) in the amount of financial remedies.

**Table 8: Comparison of Financial Local Settlements 2013/14 & 2012/13**

Financial Local settlements	2014/15	nos of cases		2013/14	nos of cases
Housing Nds	£2,600.00	2		£2,500	4
Planning	£1,000.00	1		£0	0
Finance (HB, CT & NNRD)	£943.50	5		£1,450	3
Adults Social Care	£150.00	1		£0	0
Parking	£0	0		£0	0
Children's Social Care	£0	0		£0	0
Premises Mgt	£0	0		£0	0
Sports & Leisure	£0	0		£0	0
Street Mgt	£0	0		£0	0
Legal	£0	0		£0	0
<b>Totals</b>	<b>£4,693.50</b>	<b>9</b>		<b>£3,950</b>	<b>7</b>

- 7.19. One payment of £2,000 was awarded in an Housing Needs case. In this case the complainant incurred rent arrears following the imposition of the bedroom tax as his housing benefit no longer covered the rent of the property the council found for him. The complaint was partially up held at Stage 2 saying that the error in placing him a in a property too large for his family and his benefit level was down to the housing association as they did not check the number of people in the household against the Council’s records and allocated him a home larger than he required. The LGO did not agree and said that error was the fault of the Council and the financial award was to cover the cost of the rent arrears accumulated, moving costs and some money for time and trouble in pursuing the complaint.
- 7.20. The £1,000 awarded in the planning complaint was awarded as the LGO concluded that the initial decision to grant planning permission in



2000 to install gates was flawed. The gates were erected in 2002 and following complaints that they were obstructing public highway the owner was asked to remove them in 2003. There were attempts to sort the issue out, and these talks lapsed. More complaints about the gates were received in 2009 and there was more effort to resolve the matter ultimately this resulted in a letter threatening enforcement action. The gates were removed and the owner tried to recoup the costs of buying and installing the gates and well as the cost of removing the gates. The LGO said that while planning permission should not have been granted the owner (developer) should also take responsibility. The owner benefited from the gates for 11 years as they helped prevented anti-social behaviour and provided a spot for free parking. Therefore £1000 offered was to reflect other flaws in not responded to her solicitor's letters before threatening enforcement action and for delays in dealing with other communications.

## 8. Leader and Cabinet Members Correspondence

- 8.1. Correspondence addressed to the Leader and Cabinet Members, specifically in their capacity as an Executive portfolio-holder rather than as a Ward Councillor, will often take the form of a complaint or issue with a service that is provided by the city council and that falls under their portfolio. It can also constitute wider correspondence received by the Cabinet Member in the course of their portfolio.
- 8.2. The Cabinet Support section of the Cabinet Secretariat is responsible for the management of and collation of the statistical information about Cabinet Members' correspondence, and they have provided the relevant data.
- 8.3. The data provided in **Table 9** indicates that there has been an increase (up by 63) in the volume of correspondence received.

**Table 9: A breakdown of correspondence totals received by Cabinet Portfolio**

Portfolio	2014/15	2013/14
Adult Services	19	16
Planning	201	131
Housing	143	131
City Management and Transport	58	43
Sustainability (est. as a Cabinet Portfolio in May 2014)	18	7
Business	47	41
Parking	44	56
Children & Young People	24	54
Premises Management	4	9
Finance	7	7
Public Protection	14	16
Sports, Leisure & Parks	5	11
Libraries, Culture & Registrar Services	7	6
<b>Totals</b>	<b>591</b>	<b>528</b>

\* (inc. Environment)

# **APPENDIX A1**

**CWH Service Improvement Performance Report 2014/15**



**Board  
2 June 2015**

<b>Report title:</b>	<b>Service improvement performance report for 2014/15</b>
<b>Lead:</b>	Jo Bowles, Director of Human Resources and Corporate Communications
<b>Circulation:</b>	For general circulation
<b>Report outline:</b>	This report presents information about the complaints received during 2014/15. The report identifies the key themes. Specifically what is new, what is going to improve and how we will measure and communicate improvement
<b>Recommendations:</b>	The Board notes the contents of this report
<b>Financial Implications: Is the proposal budgeted:</b>	No N/A
<b>Risk Management Undertaken: Mitigations/actions included in report</b>	Yes No
<b>Resident Consultation:</b>	N/A
<b>Impact on Equalities (direct/indirect):</b>	Yes
<b>Attachments:</b>	No

If you have any questions about this report please contact **Jo Bowles**  
Tel: 020 7245 2050 or [jbowles@cwh.org.uk](mailto:jbowles@cwh.org.uk)

## 1. Introduction

The report sets out an analysis of the formal complaints and local resolutions received by CityWest Homes between April 2014 and March 2015. The report highlights the main themes emerging from the analysis and how the information will be used to improve service delivery and determine future priorities.

Performance Indicator	Lessee	Tenant	2014/15	2013/14	% diff between years
Stage 1	117	93	210	306	↓ 31.3%
Stage 2	27	14	41	45	↓ 8.9%
Housing Ombudsman	1	3	4	6	↓ 33.3%
<b>Total</b>	<b>145</b>	<b>110</b>	<b>255</b>	<b>357</b>	<b>↓ 28.6%</b>

Performance Indicator	Volume		Response Rate		
	2014/15	2013/14	Target	2014/15	2013/14
Stage 2 - written response option	20	25	100%	96%	100%
Stage 2 - panel option	21	21	100%	92%	100%

Performance Indicator	Volume		Response Rate		
	2014/15	2013/14	Target	2014/15	2013/14
Response rate for MP enquiries	25	111	100%	100%	100%
Response rate for councillor enquiries	30	117	100%	100%	95%

Performance Indicator	Local Resolution to Stage 1		Stage 1 to Stage 2		Stage 2 to Housing Ombudsman	
Escalation rates 2014/15	28	6.2%	41	19.5%	4	10%

Table 1 – performance statistics year ending 31 March 2015.

## 2. Executive summary

The information in Table 1 shows that overall there has been a significant reduction in the number of formal complaints logged. This is most significant at Stage 1 and is also reflected in the number of MP and councillor enquiries received.

There is evidence to support the perception that complaints are not dealt with as effectively as they could be across the organisation. The information in this report provides an analysis of the main themes, suggests areas where improvements can be made and how we plan to measure and communicate the improvements.

## 3. Background

The formal complaints procedure consists of two formal stages - Stage 1 and Stage 2. The complaints procedure was reviewed 3 years ago and re-designed to remove the Stage 3 part of the process. The local resolution is an informal stage of the process and an opportunity for residents to raise issues and concerns. The issues raised are not always complaints. For completeness the results of the local resolutions are also included in this report.

## 4. Analysis of each stage of the complaints procedure – informal and formal

The results show that there has been a reduction in the number of complaints logged at both of the formal stages of the process. This follows the trend seen in previous years.

The consistent themes arising from this report fall into 5 main categories: repairs, anti-social behaviour, major works, estate management and staff.

### Informal - local resolution

	<b>Lessee</b>	<b>Tenant</b>	<b>Total 2014/15</b>	<b>Total 2013/14</b>	<b>Total 2012/13</b>
<b>Local resolution</b>	148	303	451	332	196

Local resolutions are dealt with by the service area and offer an informal way for our residents to have their concerns, service requests and queries answered. An officer from the responsible service will contact the resident, usually by telephone or email, and answer or put a resolution in place within two working days.

Throughout the year, we have seen a significant increase in the number of local resolutions being logged. At the end of March 2015, 451 issues had been recorded. This is a 36% increase on the previous year.

The reason for the increase in local resolutions could be that we are recording these

cases more effectively. We are also taking a more proactive approach to resolving issues. For example, in repairs, a call to the contractor can quickly put the repair back on track.

The issues or concerns raised cover a wide range of topics. An analysis of the information for the year 2014/15 shows the main themes at local resolution are:

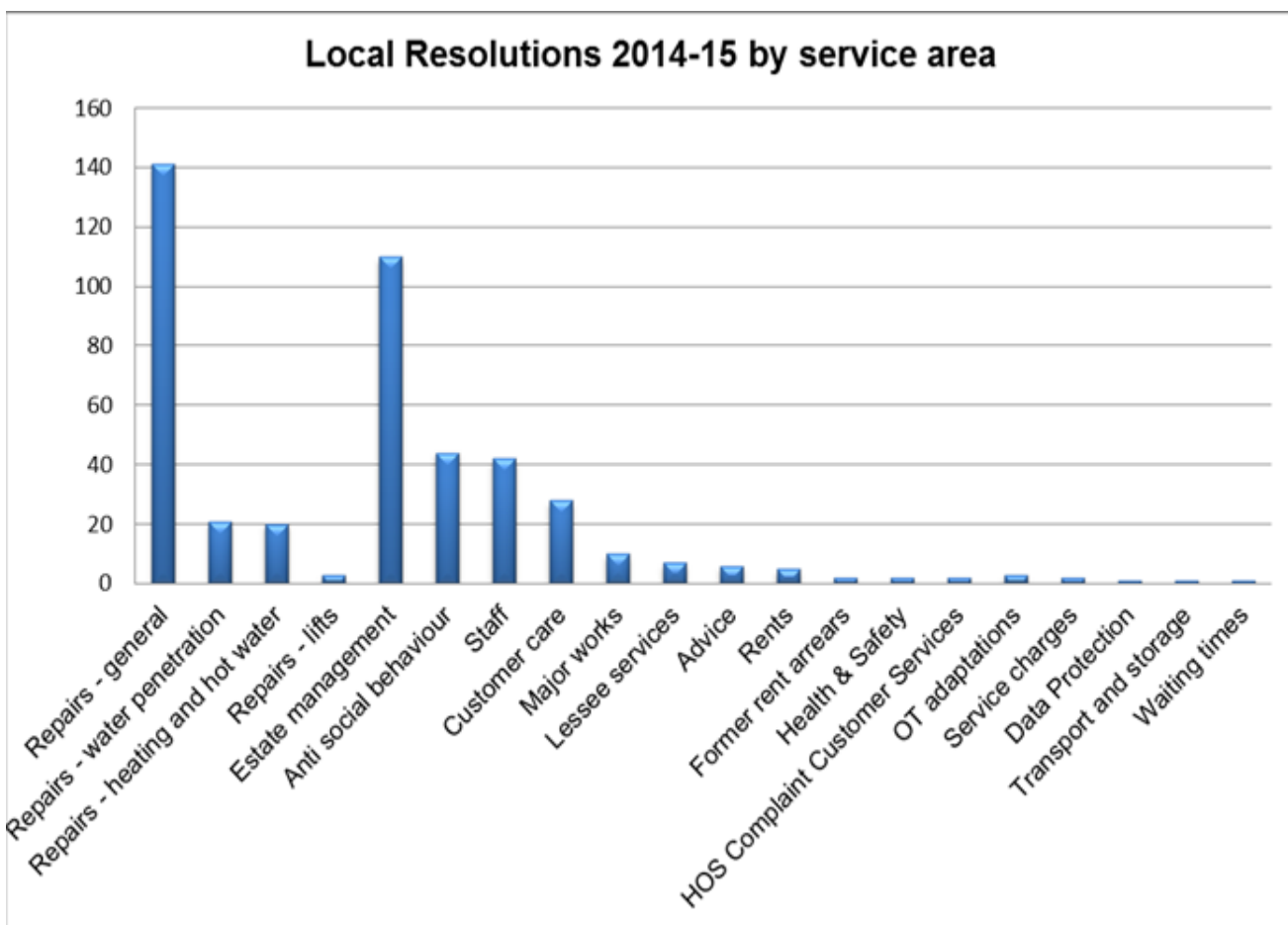


Chart 1 – Showing local resolution resolved by service area

## 1. Repairs

Repairs or repairs related concerns accounted for 185 of 451 cases; this represents 41% of all local resolutions. When compared to 2013/14 there has been a 7.6% increase in these cases.

General repairs cases consist of residents unhappy with issues of delays, perception that their repair is not progressing, appointments being missed or works are incomplete.

The number of cases should be put into context as the repairs service handles approximately 53,000 repairs each year, meaning that 185 local resolution cases account for less than half of one percent of repairs attended.

Major works cases (10) accounted for approximately 2%, compared to just over 3% in 2013/14. Repairs and major works together account for over 43% of local resolutions.

## 2. Estate management

Estate Management's 110 cases accounted for 24% of the local resolutions. In 2013/14 Estate Management was slightly higher at 28%.

At local resolution we find cases related to cleaning of estates and communal areas, estate parking issues and appeals and anything to do with pest control concerns. Local resolution is an effective way of dealing with concerns about cleaning as it allows the responsible service to act immediately and get an officer out to inspect and remedy.

## 3. Anti-social behaviour cases

Anti-social behaviour accounted for 44 cases represent 9.7% of local resolution cases. This compares to 60 cases in 2013/14.

## 4. Staff issues

Local resolution concerning staff or staff behaviour accounted for 42 cases and represents 9.3% of cases. This figure has increased markedly compared to only 5 such concerns in 2013/14.

### Formal Stage 1 complaints

Stage 1	2014/15	2013/14	2012/13
<b>Total</b>	<b>210</b>	<b>306</b>	<b>310</b>
<b>Lessee</b>	117	165	131
<b>Tenant</b>	93	141	179

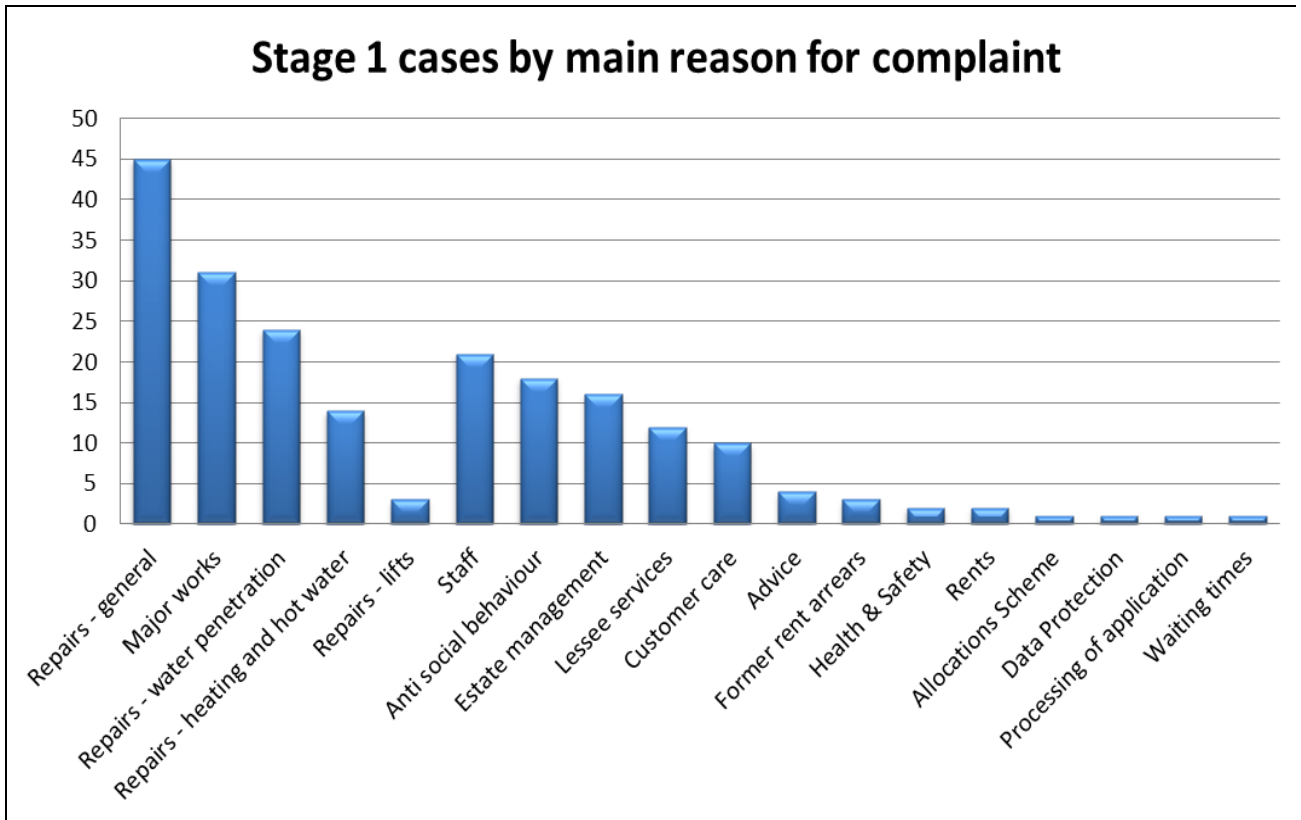


Chart 2 - showing the breakdown of Stage 1 cases by reason for complaint

Stage 1 is the first part of the formal complaints process. When a resident expresses dissatisfaction with our service the relevant service area will investigate and a written response is sent back to the resident within ten working days.

Compared with the previous year, we have seen a significant decrease in Stage 1 complaints. It is noticeable that the decrease in Stage 1s is almost equal to the increase in local resolution cases in both volume and as a percentage. This suggests more issues are being moved to local resolution in order to get a quick resolve.

Only 28 local resolution cases failed to be resolved at the informal stage and were required to be escalated to a formal Stage 1 complaint. That is an escalation rate of 6.2%. This means that 182 expressions of dissatisfaction were logged directly as a Stage 1 complaint.

The main themes at Stage 1 are similar to the local resolutions. The main areas receiving complaints are:

- Repairs - 41%
- Major works - 16%
- Staff - 10%
- ASB - 9%
- Estate services - 8%



Repairs related Stage 1 complaints (general, water penetration, lifts, heating and hot water) account for 41% cases – similar to local resolutions

Some examples of the issues being brought up at Stage 1 are below:

*“I have reported a leak on the kitchen ceiling almost 2 week ago.”*

*“long term water damage the resident believes that this is down to plumbing in another property which has caused serious leaking...”*

*“Dissatisfied with the quality and supervision of the works on site - in particular concrete repairs and works to the railings.*

*...is considering suing Westminster Estate Office because of their negligence and lack of customer care. He was without central heating for over 2 weeks...”*

*“rude cold calling in relation to rent arrears....”*

*“Unhappy with ‘roundup’ herbicide on communal plants/walkways/footpaths. Feels residents have not been informed meaning children are playing in it.*

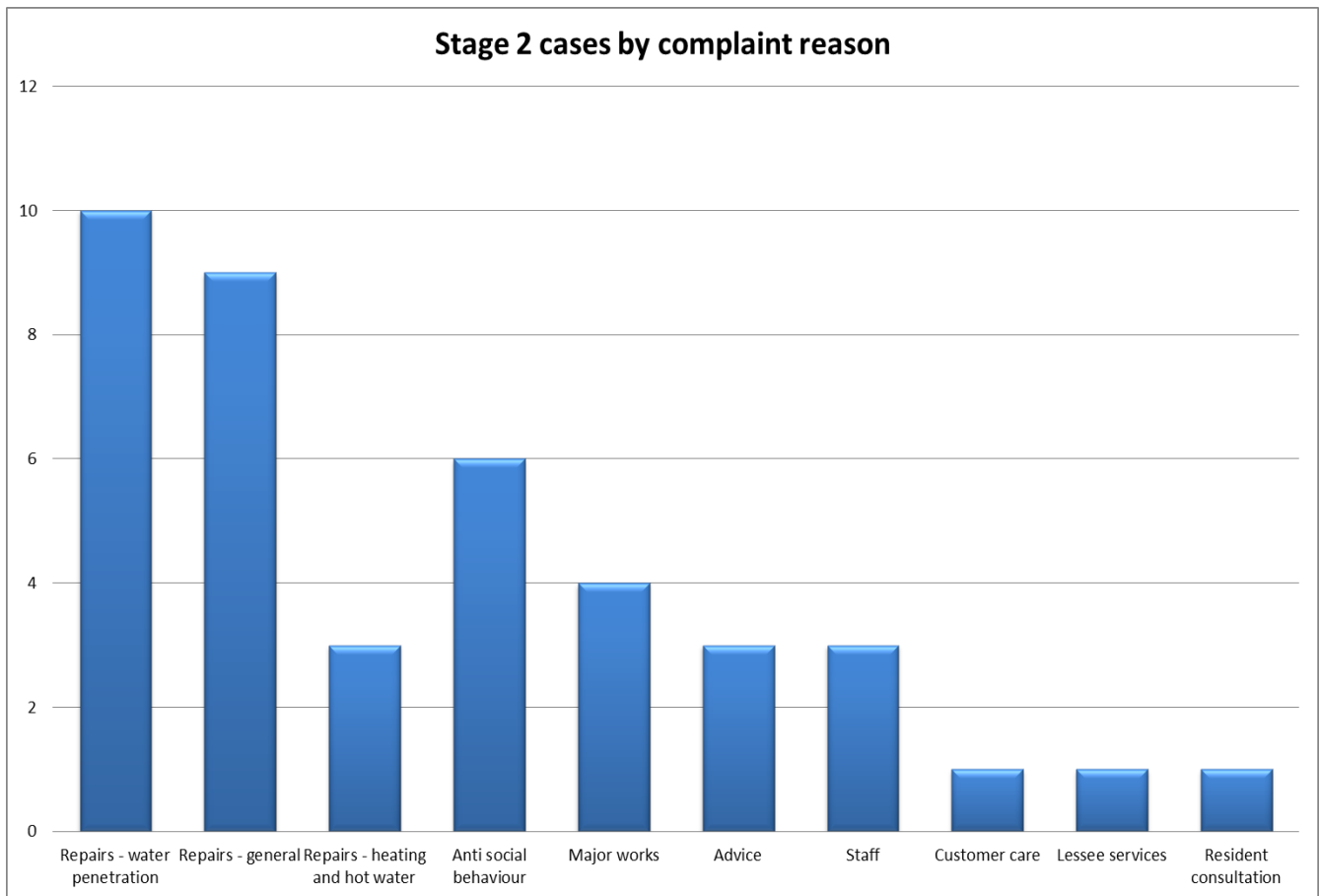
In regards to Staff complaints, when looking at the specifics of those, we need to be better at distinguishing between an outcome a resident is not happy with and actual poor behaviour by a CWH officer.

### **Formal Stage 2 complaints**

<b>Stage 2</b>	<b>Total 2014/15</b>	<b>Total 2013/14</b>	<b>Total 2012/13</b>
<b>Total</b>	<b>41</b>	<b>45</b>	<b>38</b>
<b>Lessee</b>	27	25	15
<b>Tenant</b>	14	20	23

The target to achieve at Stage 2 was a reduction to 35 cases. This has not been achieved.

Of 41 Stage 2 complaints, 66% were from leaseholders. This compares to 56% of Stage 2s emanating from a lessee in 2013/14.



**Chart 3 - showing the breakdown of Stage 2 cases by reason for complaint**

The escalation of cases between Stage 1 and Stage 2 was 19.5% in 2014/15, compared to 14.7% in the previous year.

Further investigation shows that in each case the reasons for the escalation are very similar. Mostly relating to not being happy with what was said at Stage 1 or not following through on what was promised in the Stage 1 response.

We have not been able to meet the 100% response time for the Stage 2 complaints. The complexity of some of the cases and the amount of time to organise a panel hearing has been challenging and an area where we will be making improvements.

An analysis of the mains themes shows:

### 1. Repairs

Repairs related issues had 86 Stage 1 complaints and 22 of them were escalated to Stage 2 (a conversion rate of just over 25%).

## 2. Anti-Social Behaviour

The next highest category of Stage 1 to Stage 2 escalation is Anti-Social Behaviour cases. 6 cases escalated from 13 Stage 1 complaints. A conversion rate of nearly 46%. The complexity and very personal nature of this type of complaint makes it more difficult to find an agreeable resolution.

## 3. Major works

The cases here relate to dissatisfaction with major works e.g. poor quality windows and length of time scaffolding is up, or not being kept informed.

## 4. Advice

This category of complaint centres around advice CWH has given to residents. The quality of the advice is either not good enough or the resident is not happy with the outcome.

## 5. Staff issues

3 out of 21 Stage 1s relating to staff were escalated to Stage 2. Looking at the cases in detail we need to differentiate between the advice given by the officer not being in line with the residents' expectations and when a CWH officer is providing poor customer service.

## 6. Estate management

It is noticeable that no estate management Stage 1 cases escalated to Stage 2.

Last year we made comments about our prominent and repetitive complainants. This year we have not seen the same pattern. There are no Stage 2 complainants that have made a further complaint that has escalated to Stage 2.

## Housing Ombudsman Complaints

Housing Ombudsman	Total 2014/15	Total 2013/14	Total 2012/13
<b>Total</b>	4 out of 41	6 out of 45	10 out of 38

There has been a decrease in the overall number of cases that were escalated to the Ombudsman. In the last 5 years, the number of escalations has decreased fairly dramatically. For example in 2008/2009, 21 complaints were escalated to the next stage. Our continued commitment to ensure complainants are satisfied at Stage 2 has contributed to the decrease in escalations.

## **Councillor and MP Enquiries**

This year we registered and responded to 55 councillor and MP enquiries. This represents a 76% decrease on the 2013/14 year end of 230. The numbers registered may not be entirely accurate if people have not recorded these in the correct way. It is likely that this is the case and will be an area for improvement.

The lower number recorded may be attributable to a number of things, including: Purdah period during the election periods (very small volume of enquiries from councillors during May and June of 2014 and a similar pattern for MP enquires in February and March 2015); possibly not all councillor enquiries to the business are going through the Service Improvement Team but are being handled at estate offices.

Over 80% of enquires from Councillor and MP concern either repairs (51%), ASB (20%) and estate management issues (10%).

There were 30 Councillor enquires logged by the Service Improvement Team, a reduction of 73% on 2013/14.

There were 25 MP enquiries, a decrease of 79% on the previous year's figures. From the office of Karen Buck there were 22 and 3 from the office of Mark Field.

## **Areas for improvement**

There is a perception that complaints are not dealt with as effectively as they could be across the organisation and there is evidence to support this view. We are working on a number of things to change this as outlined below:

- Gaining a better understanding of where things go wrong

Marc Wolman commissioned an independent review by a research company called TLF. TLF sampled 34 people who had recently raised a complaint either informally or formally, to understand their experience of our processes in a qualitative study. This research has been a useful exercise understanding in detail how our customers feel from their interactions with us. This has highlighted a number of points along our current customer journey where improvements can be made and built into the process, to increase the satisfaction with our response to complaints. These findings focus on three areas of the process - raising the complaint, our approach to initial contact and how we move the complaint through to final decision. . Using the TLF findings will help to improve customer experiences that end in formal complaints.

The Business Transformation team plan to work closely with teams across the business to address some of the areas which would benefit from being updated and refreshed, which include several quick wins. E.g. refreshing our front line customer service training.

- Building a new service improvement team

We are in the process of building a new team as key members of the team have left recently. 100% of the team has changed and this has given an opportunity to take a fresh look at our approach to handling complaints centrally. We will be looking at all of the processes within the service improvement team. Zoe Evans will be returning to the area in June following maternity leave.

- Specialist complaint training

Looking at every Stage 1 and Stage 2 complaint over the past 3 months it is clear that the quality of response varies across the business. We plan to carry out specialist training with the Housing Ombudsman to improve the quality of our responses. We have also been working with the Complaints Manager at WCC to learn from their approach.

- Improve the quality/follow-up of Stage 1 investigations

Reviewing the complaints, we can see that there is a common theme at Stage 1. If investigations were carried out better there would be a reduction in Stage 2 escalations. Specifically where this relates to keeping our promises. It appears that we are not always good at carrying out what we said we would do or following through on what was promised in the Stage 1 response.

In addition, there needs to be a reflection period to make sure that we have done everything possible at Stage 1 to resolve the complaint. A number of organisations do not allow escalations immediately as they want to understand whether more could be done at the first stage.

### **How we will measure and communicate improvement**

The findings of the TLF research will be communicated back to the business and improvements made.

Embedding lessons learnt is key to reducing repeat complaints and improving service delivery. Changes to the way complaints will be handled in the coming year will ensure that we are always mindful of the resident experience in all interactions.

Monitoring will continue to ensure that resident satisfaction is paramount in the delivery of our service and allow us to challenge the way we work.

### **Recommendations**

The Board notes the contents of this report.

# **APPENDIX B**

**A copy of the LGO Annual Review for 2015**

18 June 2015

*By email*

Mr Charlie Parker  
Chief Executive  
Westminster City Council

Dear Mr Parker

### **Annual Review Letter 2015**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

### **Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce 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 tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

## **Encouraging effective local complaints handling**

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

## **Future developments at LGO**

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England



## Local authority report – Westminster City Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

### Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Westminster City C	12	47	10	10	12	28	48	5	172

### Decisions made

Local Authority	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not Upheld					
Westminster City C	17	19	9	45	4	71	165