

Audit and Performance Committee Report

Meeting:	Audit and Performance Committee
Date:	24 November 2016
Classification:	General Release
Title:	Annual Complaints Review 2015/16
Wards Affected:	All
Financial Summary:	There are no financial implications from this report
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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 2015/16 (**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 2016 (see **Appendix B** of that report) and a copy of CityWest Homes Complaint Report for 2015/16 (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 2015/16 (**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 2015/16 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 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 and CityWest Homes operates its own non statutory.

- 3.7 The council's complaint procedure does not deal with issues where there are separate statutory appeals 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 because there is a separate statutory appeals process, and this 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.
- 3.8 The analysis of stage 2 complaints revealed that there were no serious service failings in any of the 163 complaints received and as noted in item 6.1 of the report only 6 stage 2 complaints were Upheld (6 of 163). Overall human error was the main factor in the 5 complaints being upheld.
- 3.9 The Annual Complaint Review noted that the council has seen a decrease in complaints escalating from stage 1 to stage2 (down 6%) in 2015/16. The data also reveals that in 62% of the stage 2 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.
- 3.10 There has been leaning from complaints, and as noted in Item 6.4 of the report measures implemented by HB/CT and taken after analysing stage 1 complaint data have had a positive effect on stage 2 outcomes as in 78% of stage 2 complaints were not upheld and only 18% were partially upheld. A very poor response made a stage 1 about a child's Special Education Needs (Children's Services) went to stage 2 and as a result of this the service instigated a Quality Review of Assurance Standards of complaint correspondence. Another piece of complaint learning led to HOS improving information about appeal rights on letters informing applicants that their housing application had been refused.
- 3.11 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.
- 3.12 Some headline findings from the Annual Complaint Review are as follows:

Complaint Numbers – There has been an overall increase (up 110) from 938 to 1048 in the total number of complaints across all stages of the complaints procedure. The increase is not significant

Target response times for stage 1 and stage 2 – stage 1 response times remain the same at 86% of complaints being completed in target response time. There was a 1% reduction in performance at stage 2. Both results can be considered a good performance.

Escalation Rate - The escalation rate from stage 1 to stage 2 is 18% (163 of 885) and this represents an improved performance on the previous year

Upheld Complaints – The percentage of upheld complaints remains low despite a slight increase when compared with the previous year. At Stage 1, 28% were upheld against 24% in 2014/15. At Stage 2 the escalation rate was 4% against 3% for 2014/15.

Local Government Ombudsman (LGO) – The LGO Annual Review for the year ending 31 March 2016 provided no comment on the Council's performance

LGO Average response times - The council's average response time was 26 days against a benchmark of 28 days.

4 The Management of Complaints

- 4.1 As previously reported to this Committee in 2014/15 a project commenced in December 2015 to improve the management of complaints by the purchase of one IT system to manage complaints/FOI and Member correspondence. The Council had previously purchased the component to manage its FOI and this project was to add to the system with a component for complaints management and the handling of various Member's correspondence. The single system was 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.
- 4.2 The new complaints database went live in May 2016 and there have been some teething problem, in particular the introduction a complaints web form linked to the Council's external web site did not go live until September 2016. In addition Parking Services has had other technical challenges which have just been resolved so they can now use the system. The implementation of this system now enables all complaints to be recorded on one single database and is therefore the first time the Council has had a complete corporate overview of all complaints.
- 4.3 There continues to be some localised training issues in the way data is being entered and the Corporate Complaints team is cleaning up data entered incorrectly so that the system can produce the reports required to manage

performance. In view that this process is on going currently we do not have a complete picture of complaint data by the end of the quarter.

- 4.4 The new system is also been used by the Cabinet and Ward member support team but owing to some technical issues there has not been a full take up of the system by all team members. This is now being phased in.

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:

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BACKGROUND PAPERS

None

APPENDIX 1

Annual Complaint Review 2015/16