



City of Westminster

Audit and Performance Committee Report

Meeting:	Audit and Performance Committee
Date:	23 November 2017
Classification:	General Release
Title:	Annual Complaints Review 2016/17
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 2016/17 (**see Appendix 1**).
- 1.2 The attached report (**Appendix 1**) summarises the Council's complaints performance (complaint stages 1 & 2), complaints received by Local Government Ombudsman (LGO), and a limited review of dealing with the Leader and Cabinet Member correspondence. A copy of the Local Government Ombudsman Annual Letter/Review for the year ended 31 March 2017 (**Appendix 2**) is also attached.

2 Recommendations

- 2.1 Members are requested to review and note the information about complaints set out in the Annual Complaint Review 2016/17 (**Appendix 1**) and review the Local Government Ombudsman Annual Letter/Review (**Appendix 2**).

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 manager (10 working day turnaround).
- **Stage 2** - A Chief Executive's review (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. CityWest Homes (CWH) has been operating its own complaints procedure since 1 April 2012 and produces its own annual complaint report.
- 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 first request for a service is made this is not usually considered a formal complaint. The request becomes a complaint if the person makes further contact as they consider 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 procedure.
- 3.7 Other concerns which cannot be dealt with under the council's complaint procedure include issues where there are separate statutory appeals procedures such as disputes over parking tickets, planning applications appeals and Housing Benefit appeals, as an appeals process takes precedence over the complaints procedure. As are matters which are or have been subject to Court action, complaints about staff and issues involving insurance claims against the Council although there may be some aspects of the complaint that could be investigated concurrently, e.g. an allegation that the service area delayed in sending information about how to make an insurance claim, and these also

cannot be addressed in our complaints procedure. For this reason the complaints included in this report only relate to allegations of service failure which constitute a formal complaint, and where there is not a legal, statutory procedure or an alternative complaint procedure to deal with the specific issue.

- 3.8 Information used to compile the 2016/17 annual report has largely come from the new complaints database. This is the first time the Council has had a complete corporate overview of all complaints across all stages as previously information was stored on various systems. However, it should be noted that as use of the new database was phased in there was a small amount of data on other separate systems therefore the report focused on the majority of data in the new system save for data from Parking Services as they did not start using the system until March 2017, therefore their information is shown separately in the report. Regarding the small amount of data not collected, the volume is low and proportionate to each service and therefore would have very little impact on the information given in this report. Therefore the information in the report should be regarded as representative of each service.
- 3.9 To show the scope of reporting the annual review has used a number of charts, graphs and tables. When reviewing the report the Council's Executive Management team commented that they would like to see a more focused report for 2017/18. As we will have data in the system for 2016/17 & 2017/18 we can also provide more comparative reporting.

4 Findings from the Annual Complaint Review

- 4.1 Generally the Complaints Review indicated that there was an overall decrease in complaints across both stages when compared with 2015/16 (down 25% from 1048 to 837), and that there were no serious service failings discovered at stage 2, being the final stage of the complaints procedure. **Section 4** (page 3) of the report provides the headline findings, and refers to the volume of stage 1 complaints coming from City Treasures (Housing Benefits/Council Tax/Business Rates), and from Growth Planning and Housing. **Section 7, Table 4** (page 6) illustrates this point and the reference to Housing Benefit complaints refers to the processing and payment of HB claims. The reference to "Housing" under the Growth, Planning and Housing Directorate relates to complaints about Housing Options and matters about the allocation of our housing stock, homelessness, temporary and permanent housing.
- 4.2 When reviewing performance relating to stage 1 response times (**Section 9**, pages 8 to 10), please note the complaints procedure has a target response time of 10 working days at both stage 1 and stage 2. The table in **Item 9.3** (page 9 of the report) indicates that City Treasures (Revenue and Benefit) has the highest volume of complaints and 95% of these are responded in target response time. City Management were the slowest with 43% of responses being undertaken in target response time and 34% of their responses being undertaken in 20 days or more. Furthermore, as illustrated in **item 9.7** one team (Highways Infrastructure

and Public Realm) did not respond to most of its complaints in target response time. This particular team has now turned its poor performance around and reports run for the first and second quarter of the current year indicate all complaints from this team met the target response time. Furthermore, City Management is monitoring their service areas response times very closely and is working to improve response times across all service teams.

- 4.3 When reviewing the information in the report on Most Common causes of complaints at stage 1 (**Section 11**) page 11 to 13, please note that previously we have not been able to collect this data because of the number of different systems which were being used. As this is the first time we have been able to gather this information decided to simply report the information and to note that across the services failures to do something and delays in doing something were the most common cause of complaint.
- 4.4 There was also a decrease in the volume of stage 2 complaints from 163 in 2015/16 to 146 in 2016/17 (see **Section 12** page 14), and that 64% of complaints of stage 2 complaints are from the City Treasurer and therefore relate to complaints about Housing Benefit, Council Tax and Business Rates (see **item 12.3 Table 6**). Please note that many complaints about Housing Benefit have something to do with the speed a claim is put into payment and the amount of information required to support a claim. Procedures are robust and people can become frustrated because of the length of time taken before a claim is in payment.
- 4.5 As seen in **Section 14** page 17 (Reasons for Complaints), the data collected suggests that 46% of complainants cited no specific reason for escalating their concern to stage 2, being the final stage of the procedure. Please note that the graph provided on page 17 only relates to those cases where a reason for escalation was given and of these 72% generally disagreed with the stage 1 finding. Very little fault is found in the complaints investigated at stage 2 and only 3% of complaints were upheld so this does suggest that the service areas are generally putting things right at the first stage of the procedure.
- 4.6 It should also be noted that the Local Government Ombudsman (LGO) Annual Letter for 2016/17 was not published at the time the Annual Review was drafted. This is now available (**Appendix 2**). The annual letter advises that the data in their report will not match the data held by the local authority as they capture all contacts/enquiries/complaints made to them about the individual authority. Many of these concerns are not investigated and are often returned to the authority to answer within their own complaints procedure or are closed after initial enquiries.
- 4.7 The LGO also provide information on decisions made in 2016/17 and some of these relate to complaints started in 2015/16, and of the 19 Not Upheld decisions 7 investigations were started in 2015/16, and 6 of the 21 Upheld decision were from investigations started in 2015/16. In view of this the Complaints Review has focused on the LGO complaints received and completed within 2016/17.

4.8 The LGO made no specific comments about the council's performance, and the Annual Complaints review has reported that no formal public reports were issued against the Council. A review of all the annual letters for the 32 London Boroughs has now been undertaken and this revealed 6 London Boroughs had a formal public report published.

4.9 The table below provides a breakdown of 24 London borough's performance ranked by the total of complaints and enquiries received.

	Total Complaints/Enquiries	Total all Decisions	Cases Not Upheld	Cases Upheld	% cases referred back to LA against Total nos Decisions	% cases closed after initial enquiries made against Total nos Decision
Richmond Upon Thames	59	56	8	7	36%	34%
Hammersmith and Fulham	70	68	5	7	38%	26%
Kensington & Chelsea	74	64	3	6	45%	25%
Wandsworth	91	89	12	13	31%	29%
Islington	106	107	9	7	48%	19%
Barking	109	115	8	15	45%	21%
Tower Hamlets	114	106	12	19	38%	21%
Camden	117	111	13	16	23%	14%
Westminster	122	122	19	21	32%	25%
Enfield	132	135	10	16	55%	19%
Hillingdon	133	125	22	12	24%	38%
Lewisham	135	140	12	23	43%	22%
Redbridge	135	127	18	23	39%	24%
Houslow	136	143	9	16	50%	22%
Hackney	136	141	11	17	43%	28%
Greenwich	137	133	14	17	41%	25%
Waltham Forrest	152	140	10	16	44%	32%
Southwark	166	159	14	23	38%	26%
Brent	168	161	8	17	52%	27%
Newham	194	185	10	22	44%	26%
Haringey	205	202	14	44	38%	23%
Ealing	212	200	16	19	56%	18%
Barnet	244	239	14	36	35%	19%
Lambeth	244	239	14	36	37%	27%

5 The Management of Complaints

- 5.1 Work will continue with the service areas to how best use the new complaints management system so to provide meaningful performance management data.
- 5.2 The decrease in complaint volume especially at Stage 2 is being monitored and the complaints team is monitoring stage 1 responses to ensure that quality responses continue to be provided.
- 5.3 The Cabinet and Ward Member team are now all fully trained in the use of the new system and they will now use it to monitor the volume and type of correspondence received

6 Financial Implications

There are no financial Implications associated with this report.

7 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 2016/17