

# Audit and Performance Committee Report

<b>Meeting:</b>	Audit and Performance Committee
<b>Date:</b>	14 November 2018
<b>Classification:</b>	General Release
<b>Title:</b>	Annual Complaints Review 2017/18
<b>Wards Affected:</b>	All
<b>Financial Summary:</b>	There are no financial implications from this report
<b>Report of:</b>	Sue Howell, Complaints and Customer Manager Telephone: ext 8013 E-mail: <a href="mailto:showell@westminster.gov.uk">showell@westminster.gov.uk</a>

## 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 2017/18 (**see Appendix 1**).
- 1.2 The attached report (**Appendix 1**) summarises the Council's complaints performance (complaint stages 1 & 2), complaints received from the 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 2018 (**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 2017/18 (**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. Copies of the Adults report can be found in **Appendix 3** and the Children's report in **Appendix 4**. CityWest Homes (CWH) has been operating its own complaints procedure since 1 April 2012 and also produces its own annual complaint report, and a report including information on complaints was heard at the Audit and Performance meeting that met in September 2018. CWH will be asked to provide an update at the meeting due to sit in February 2019.

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 It should be noted that most contacts from members of the public are dealt with outside the Council's complaints procedure, and there can be confusion about what constitutes a complaint. Generally when a request from a member of the public is made this is not usually considered a formal complaint. The request becomes a complaint should the person makes further contact if they consider the matter has not been dealt with satisfactorily, or to protest against the Council's policies and procedures. 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 Other concerns which cannot be dealt with under the council's corporate 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. Issues which are, or have been subject to Court action, complaints about staff and issues involving insurance claims against the Council 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 corporate complaint, and where there is not a legal, statutory procedure or an alternative complaint procedure to deal with the specific issue.

- 3.7 Information used to compile the 2017/18 annual report has come from the complaints icasework management system, which has been in operation since June 2016.

#### **4 Findings from the Annual Complaint Review (Appendix 1)**

- 4.1 The Complaints Review indicated that there was a 46% increase in the number of stage 1 complaints received. The increase the increase in volume is attributed to service areas now fully engaging with the new complaints Casework system and the use of the Council's complaints web form which is linked to the icasework system and is not an indication of poor service.
- 4.2 In 2017/18, the icasework system received 1785 completed complaint web forms and of these 1007, were dealt with as stage 1 complaints. The remaining items were passed to the relevant service areas to answer as they were making simple requests for instance e.g notifying a missed bin collection or challenging a parking ticket for which there is a separate procedure.
- 4.3 The annual report notes that the highest volume of complaints come from two Directorates which are City Treasurers (Revs and Bens) with 48% of the total, and City Management and Communities (CMC) with 38%.
- 4.4 City Treasurers (Revenues & Benefits) attracts the highest volume of Stage 1 Complaints. This needs to be considered in context that this is the only Council service that has annual contact with every resident and business in the borough (the Council has 127,000 domestic properties which results in around 160,000 Council Tax accounts per annum, has 38,000 NNDR properties and 25,000 Benefit claimants) In addition, the nature of the services , collecting debts and determining eligibility for benefit payments, will inevitably result in a number of complaints being made, however the key is not the number of complaints, but the number complaints Upheld (29%) and Partially Upheld (17%).
- 4.5 It should also be noted that there has been a % reduction in volume on the preceding year. In 2017/18 Revs and Bens represented 48% of all stage 1 complaints. In 2016/17 it was 62%.

- 4.6 Despite the volume of complaints, 95% of Revenues & Benefits Stage 1 were completed in target response time (10 working days), against the Council's average response time of 82%.
- 4.7 The increase in stage 1 complaints for City Management & Communities (CMC) from 15% in 2016/17 to 33% in 2017/18 is generally attributed to better reporting since the introduction of the icasework system as previously CMC complaints were captured on various systems some complaints may not have been reported at a corporate level so some under reporting was expected.
- 4.8 CMC has also been working to improve their responses and response times over the last year and review open cases monthly at their senior management meetings.
- 4.9 It is difficult to draw any other firm conclusion since the use of the web form had only been live for a period of about 18 months and the web form has improved the tracking and recording complaints. Volumes will be closely monitored to see if the increase is a continuing trend.
- 4.10 The rest of the headline findings can be found in **Item 4 of Appendix 1** (page 3 of Annual complaints review). When reviewing performance relating to stage 1 response times (**Section 7**, pages 7 to 8), please note the complaints procedure has a target response time of 10 working days at both stage 1 and stage 2.
- 4.11 When reviewing the information in the report on reasons for complaining **Item 9** page 10, please note that this information is collected at a high level so the themes used can be applied to all the service areas.
- 4.12 Please also note the 22% reduction of stage 2 complaints when compared with 2016/17. This reduction came from Revs and Bens and in particular from Housing Benefit complaints. The service attributed this reduction to an improvement in the standard of stage 1 responses.
- 4.13 There have been no significant service failures found at stage 2 of the complaints procedure and only 4% (4 of 113 complaints) were upheld at the final stage. This suggests that the service areas are generally putting things right at the first stage of the procedure.
- 4.14 It should also be noted that the Local Government Ombudsman (LGO) Annual Letter for 2017/18 was not published at the time the Annual Review was drafted. This is now available (**Appendix 2**).
- 4.15 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.

- 4.16 The information provided in the Annual letter also reports on complaints and all general enquiries made about Westminster City Council's services, and in total there were 133 of these. However, as seen in the **table1** below only 35 of these cases (26%) were formally investigated by making enquiries with the Council. A further 39 cases (29%) the LGO decided to close the case without investigation. There were 57 cases were returned to the Council and these mainly were referrals back into the Council's complaints procedure. Overall the statistics provided in the Annual letter represented an improved performance on the preceding year.

**Table 1. A comparison of our performance based on the Annual letters for 2017/18 and 2016/17**

	2017/18	2016/17	
Total number of complaints and enquiries	133	122	increase
Cases referred back to Council or advice given or cases not completed for valid reasons	57 (43%)	51 (42%)	improvement
Cases closed after initial enquiries made	39 (29%)	31 (25%)	improvement
Total number of cases formally investigated	35 (26%)	40 (33%)	improvement
Cases Upheld	20 (15%)	21 (17%)	improvement
Cases Not Upheld	15 (11%)	19 (16%)	improvement

NB: The % is calculated using the total number of complaints and enquiries received for the relevant year

- 4.17 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.
- 4.18 The information in **table 2** below provides a breakdown of 24 London borough's performance ranked by the total of complaints and enquiries received. The Council will attract a number of enquiries and complaints as we have far more visitors to our City on a daily basis than other boroughs and because social housing is in high demand and there is a shortage of housing within the borough.

**Table 2: Breakdown of the 24 London Borough's LGO performance measured against the total number 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	53	27	5	6	49%	30%
Kensington & Chelsea	82	40	10	7	52%	27%
Hammersmith and Fulham	83	40	4	14	51%	28%
Wandsworth	99	41	6	12	59%	23%
Tower Hamlets	100	55	12	17	73%	25%
Barking	108	42	3	12	61%	25%
Islington	114	41	5	11	39%	23%
Hounslow	120	37	6	10	58%	27%
Greenwich	120	58	5	22	48%	33%
Hackney	121	48	7	20	74%	19%
Camden	127	57	8	17	44%	43%
Westminster	131	74	15	20	66%	23%
Enfield	140	51	12	16	42%	24%
Lewisham	141	54	8	16	59%	15%
Hillingdon	142	86	11	20	51%	15%
Redbridge	149	90	21	36	42%	21%
Waltham Forest	160	101	14	24	46%	31%
Southwark	162	75	10	27	54%	23%
Brent	162	74	12	21	54%	25%
Barnet	165	81	13	19	75%	32%
Haringey	185	92	19	24	50%	26%
Lambeth	189	79	16	30	55%	26%
Ealing	192	88	20	18	44%	26%
Newham	227	104	16	35	48%	15%

## 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 Royal Borough of Kennsington and Chelsea have now decided not proceed with a Bi Borough Corporate Complaints team. They will pursue their own sovereign team. They have however decided to adapt the icasework work system for complaints and FOI, and this will help unify processes and reporting for Freedom of Information requests and Adults and Children's statutory complaints procedures which all are bi borough services.

## **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](mailto:showell@westminster.gov.uk)

## **BACKGROUND PAPERS**

None

