



City of Westminster

Annual Complaints Review 2019/20

December 2020

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1. Introduction

- 1.1 This report presents complaints performance trends and for 2019/20, and a comparison of performance between 2018/19 and 2019/20 (where applicable) across stage 1 and stage 2 of the corporate complaints procedure. It also includes a performance review of Local Government and Social Care Ombudsman (LGSCO) first time enquiries, and a limited review of Leader and Cabinet Member correspondence.
- 1.2 Data used in this report has been taken from the Council's complaints database (icasework).

2. Background

- 1.3 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)
 - **LGSCO** - If the complainant still remains dissatisfied with the stage 2 reply he/she can take their concerns to the LGO
- 1.4 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 oversight, therefore there is limited information about these services in this report.
- 1.5 Housing Management Services (was known as CityWest Homes) came back in house on 1 April 2019 and therefore no comparison data for 2018/19 is included in this report; as they were still an Arms Length Organisation and operated their own complaints procedure at that time.
- 1.6 This is the first year of Housing Management Services return and as expected because they have inherited problems this may take a couple of years to resolve, and to see the effect of their improvement plan on complaints handling.

3. Headline findings

Summary of Complaint Numbers

- 3.1. A total of **1804** complaints (1628 at stage 1 and 176 at stage 2) have been recorded across both stages of the corporate complaints procedures. This is an overall increase of 41% when compared with 2018/19.
- 3.2. If the complaints volumes for Housing Management Services are removed from the calculations the data indicates that overall complaints volumes have decreased (-17%) when compared with the preceding year.
- 3.3. The increase in volume across both stages is attributed to the return Housing Management Services (was CityWest Homes).

Stage 1 Summary

- 3.4. **Complaint Volumes** – The 42% increase in stage 1 complaints is due to the return of Housing Management Services. If the data from this service is removed from the calculations there is an overall decrease (-18%).

Response times – The 10 day working response target has been met in 77% of complaints which is a 1% reduction on the previous year.

- 3.5. **Complaint Learning** – Item 9 provides some example of how complaint data has been used for complaint learning.

Stage 2 Summary

- 3.6. **Complaint Volume/Escalation** – 176 stage 2 complaints have been received which represents a 34% increase on the preceding year. The return of Housing Management Services is the main factor for the increase, and if the complaints from this service are removed from the calculation there would have been an overall decrease (-13%) in stage 2 complaint volume. There has also been a reduction in the volumes of complaints for F&R (HB, CT & Business Rates).
- 3.7. **Response Times** – 13% of stage 2 complaints were responded to in target response time against 25% in the preceding year. The slowing down in meeting target response is attributed to the overall increase in the volume of complaints and the number of complex investigations, and services have generally been slower in replying to requests for information.
- 3.8. **Complaint Escalation Rate** – Across all services the escalation rate from stage 1 to stage 2 is 11% and this is considered a good performance.

Local Government and Social Care Ombudsman (LGSCO)

- 3.9. No formal published reports finding maladministration with injustice for 2019/2020 were issued against the Council in 2019/20.
- 3.10. The Council received 25 first time enquiries in 2019/20 (+8) on the preceding year.
- 3.11. **Compensation** - Was offered in 10 cases in 2019/20 and a total of £5024.00 offered. This is less than the preceding year (-£4,706.00).

LGSCO Annual letter 2019/20

- 3.12. **Complaint Outcomes** – 73% of all LGSCO complaints and enquiries received in 2019/20 were either referred back by the Ombudsman to the Council's complaints procedure or the Ombudsman closed the case after initial enquiries were made.
- 3.13. **Complaint Learning from the Annual Letter** - The below is a summary of the main learning issues for the Council coming out of the Annual letter:
- Ensure that all agreed LGSCO remedies are completed within the time indicated
 - It is the responsibility of the relevant service to make the necessary arrangements to make payment of any agreed compensation, and this should be started when the service receives a copy of the final decision
 - To consider whether an early resolution remedy could be made either when answering formal detailed enquiries or if the complaints team notify the service of this opportunity before the case is allocated to a LGSCO investigator

Leader and Cabinet Member Correspondence

- 3.14. The volume of correspondence is down on the previous year (-178). This is in the main due to departments responding to the correspondence directly rather than the Cabinet Member's office issuing the response.

4. Complaint Volumes- Across all Stages and Directorates

- 4.1. As indicated in **Table 1** a total of **1804** complaints (1628 at stage 1 and 176 at stage 2) have been recorded across both stages (withdrawn complaints not included).
- 4.2. The increase in volume across both stages is attributed to the return Housing Management Services to the Council (previously known as CityWest Homes). The service previously operated their own complaints procedure and since their return on 1 April 2019, all complaints are now considered under the Council's corporate complaints procedure. As indicated in item 1.6, this is the first year of their return and it may take a couple of years to see the effect of their improvement plan on complaint handling.

Table 1 – Complaints across Stage 1 and Stage 2 for 2019/20

Directorate/ Division	Stage 1 Total for 2019/20	Stage 2 totals
Finance and Resources	274	24
<i>Housing Benefit</i>	66	7
<i>Council Tax</i>	180	15
<i>Business Rates</i>	28	2
City Management and Communities	349	42
<i>Waste and Parks</i>	118	5
<i>Public Protection and Licensing</i>	82	13
<i>Parking Services</i>	91	14
<i>Highways and Public Realm</i>	21	4
<i>Libraries and Archives</i>	12	0
<i>Community Services (Sports & Leisure)</i>	25	6
Growth, Planning and Housing	922	100
<i>Development Planning</i>	62	7
<i>Housing Solution Services</i>	178	31
<i>Housing Mgt (was CityWest Homes)</i>	682	62
Chief Executives	9	0
Electoral Services	9	0
Policy, Performance and Communications	9	2
Children's Services	62	8
Total	1628	176

- 4.3. **Table 2** (Section A) indicates the overall complaint volumes across all services has increased (+41%). If the data for Housing Management Services is removed (Section B) this indicates that there has been an overall decrease (-17%) in complaint volumes when compared with the preceding year.

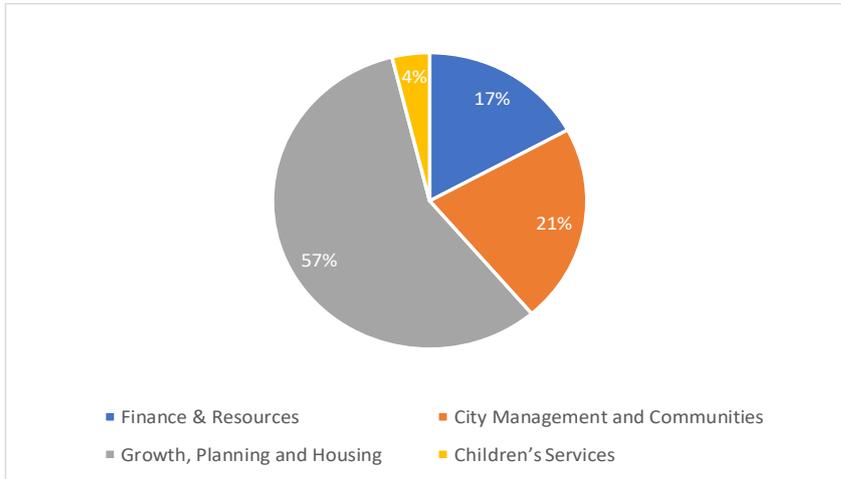
Table 2 - A Comparison of complaint volumes 2018/19 and 2019/20 across all services with data for Housing Management Services included (A) and (B) if this data is not included

Calculations include 2019/20 totals for Housing Management Services				
A		2018/19	2019/20	% Difference
	Stage 1	1149	1628	42%
	Stage 2	131	176	34%
	Totals	1280	1804	41%
Calculations without 2019/20 totals for Housing Management Services				
B		2018/19	2019/20	% Difference
	Stage 1	1149	946	-18%
	Stage 2	131	114	-13%
	Totals	1280	1060	-17%

5. Stage 1 Complaints over 2019/20

Total number of Stage 1 Complaints received by directorate (withdrawn complaints not included) - **1628**

Chart 1 - Profile of complaints made by directorate in 2019/20



- 5.1. As seen in **Chart 1** three Directorates deal with complaints in significant volumes. Growth Planning and Housing (GPH) received 57% of all stage 1 complaints and the situation was similar in 2018/19.
- 5.2. **Table 3** (below), compares the volume of complaints received in 2018/19 and 2019/20. No comparison data in Table 3 is shown for Housing Management Services as this is the first year of their return but the information is included (682 stage 1 complaints) in the totals for 2019/20. **Table 2** and **item 4.3** indicates the position with this data included and the overall performance if it is removed.
- 5.3. **Table 3** also indicates that F&R (HB/CT/NNDR) has seen an overall reduction of (-238) stage 1 complaints when compared with the preceding year. The reduction in HB complaints (-166) is due to various factors which include:
 - Improved communication levels between Corporate Services, Contracts Performance Team and Capita management and improvement in training, turn-around times to responses, quality of those responses etc
 - Further training and guidance given to staff, and the reviewing of all Stage 1 complaint response letters to ensure standards are met has improved the quality of the Stage 1 responses and this has helped to reduce the number of complaints escalating to Stage 2.
 - Guidance given to staff on what to classify as a complaint, and what should be considered a request for a 'revision of benefit', for example a customer who 'complains' about the amount of their weekly HB award is not considered as a complaint, and it is dealt with as a request for a review of their award to ensure that it is accurate. The customer receives an explanation of how the figures used have been calculated and invites them to provide evidence to support a different amount if they feel these figures are incorrect. The customer can formally appeal if they still disagree. A complaint is recorded when there has been a "failure of service", for example the service failed to assess a customer's benefit claim in the time limits given or failed to call a customer back when having agreed to do so.

Table 3 - Comparison of Stage 1 totals by Divisions within Directorates for 2018/19 & 2019/20

Directorate/ Division	Total for 2018/19	Total for 2019/20	Variance
Finance & Resources	512	274	-238
<i>Housing Benefit</i>	232	66	-166
<i>Council Tax</i>	253	180	-73
<i>Business Rates</i>	27	28	1
City Management and Communities	421	349	-72
<i>Waste and Parks</i>	125	118	-7
<i>Public Protection and Licensing</i>	84	82	-2
<i>Parking Services</i>	84	91	7
<i>Highways and Public Realm</i>	61	21	-40
<i>Libraries and Archives</i>	24	12	-12
<i>Community Services (Sports)</i>	42	25	-17
<i>Residential Services</i>	1	0	0
Growth, Planning and Housing	163	922	759
<i>Development Planning</i>	50	62	12
<i>Housing Solution Services</i>	113	178	65
<i>Housing Mgt (was CityWest Homes)*</i>		682	682
Chief Executives	3	9	6
<i>Electoral Services</i>	3	9	6
Policy, Performance and Communications	4	9	5
<i>Campaigns / Engagement</i>	1	4	3
<i>City Promotions, Events and Filming</i>	3	5	2
Westminster Adult Education Service (WAES)	1	3	2
Children's Services	44	62	18
<i>Children's Services</i>	44	62	18
Total	1149	1628	479

*No comparable data for 2018/19 available

6. Stage 1 Response Time by Directorate

Speed of response for all Directorates

- 6.1. The target response time for replying to a stage 1 complaint is 10 working days. Performance is therefore measured by:
- Complaints completed in target response time (0 to 10 days)
 - Those completed in 11 to 20 days
 - Those complaints that took over 20 days.
- 6.2. As indicated in **Table 4** below the average response time for stage 1 complaints responded to in 2019/20 is 77%. This is comparable with the overall response time for the preceding year. An average response time of 80% or above is considered a very good performance.

Table 4 - % of Stage 1 complaints completed in target response for 2019/20 & 2018/19

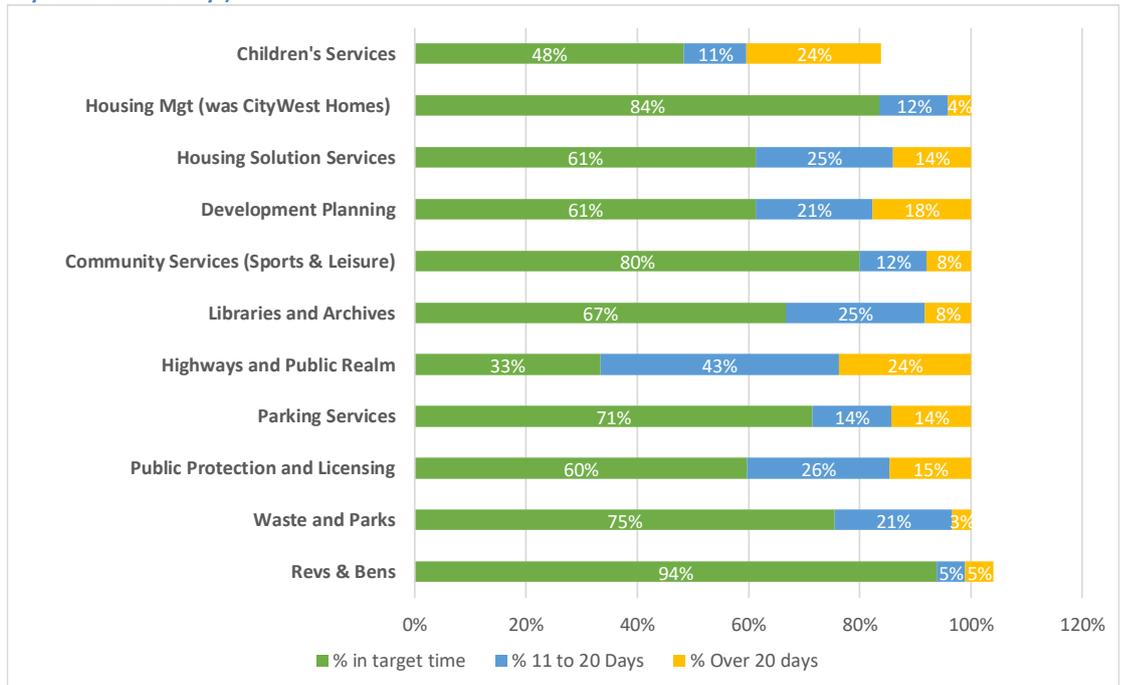
Percentage Total for 2019/20	77%
Percentage Total for 2018/19	78%

- 6.3. **Table 5** below provides a breakdown of response times for all directorates, and **Figure 1** shows the percentage of complaints completed in response time, between 11 to 20 days and over 20 days.

Table 5 - A breakdown of response times for all directorates -2019/20

Directorate/ Division	% in target time
Finance and Resourses	94%
<i>Housing Benefit</i>	100%
<i>Council Tax</i>	93%
<i>Business Rates</i>	82%
City Management and Communities	68%
<i>Waste and Parks</i>	75%
<i>Public Protection and Licensing</i>	60%
<i>Parking Services</i>	71%
<i>Highways and Public Realm</i>	33%
<i>Libraries and Archives</i>	67%
<i>Community Services (Sports & Leisure)</i>	80%
Growth, Planning and Housing	78%
<i>Development Planning</i>	61%
<i>Housing Solution Services</i>	61%
<i>Housing Mgt (was CityWest Homes)</i>	84%
Chief Executives	89%
Electoral Services	89%
Policy, Performance and Communications	44%
<i>Campaigns / Engagement</i>	25%
<i>City Promotions, Events and Filiming</i>	60%
Westminster Adult Education Service (WAE)	67%
Children's Services	48%

Figure - 1 time taken to respond at Division level (in working response time, between 11 to 20 days and over 20days)



7. Complaint Outcomes

- 7.1. Each complaint response should indicate what is the complaint outcome (finding), explain if the Council considers that anything went wrong and if it did what has/will be done to put it right. Complaint outcomes are usually expressed as Upheld, Not Upheld or Partially Upheld.
- 7.2. An Upheld decision indicates that we accept that there was fault. A Partially Upheld complaint decision is reached if the majority of the complaint concerns are Not Upheld, but there are some minor lapses in service delivery which did not have a significant impact in reaching the complaint decision. A Not Upheld complaint indicates that there has been no fault.
- 7.3. It is generally accepted that at Stage 1 there will be a higher percentage of complaints that are upheld or partially upheld as the main purpose in investigating a complaint is try and find any mistakes and put right any wrongs. This should then prevent the need for the complainant to escalate to the final stage of the complaint procedure.
- 7.4. As seen in **Table 6** below across all directorates the percentage of Not Upheld has reduced and the number of Partially Upheld complaints has increased. It is difficult to make comparisons as the data for 2018/19 does not include complaints from Housing Management Services. **Table 7** shows how the performance looks if Housing Management Services data for 2019/20 is removed. This indicates that overall complaint decisions are similar to the performance in the preceding year which is an indication that the standard of stage 1 complaint investigations remains the same. What is also of interest is the escalation rate from stage 1 to stage 2, as if the percentage of upheld complaints is small at stage 2 this is an indicator that service faults found have been rectified at stage 1. This issue is addressed in Item 12.

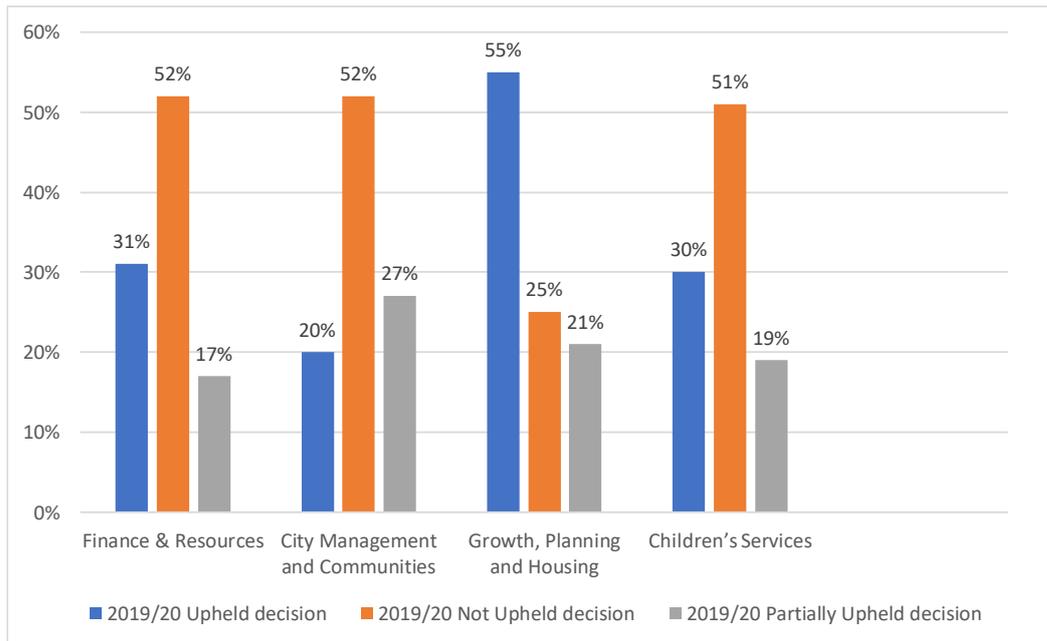
Table 6 – A comparison of Stage 1 Outcomes for 2018/19 and 2019/20 across all services

	2018/19		2019/20
Not Upheld	55%		40%
Partially Upheld	21%		38%
Upheld	24%		22%

Table 7 - A comparison of Stage 1 Outcomes for 2018/19 and 2019/20 across all services (Data for Housing Management Services Removed)

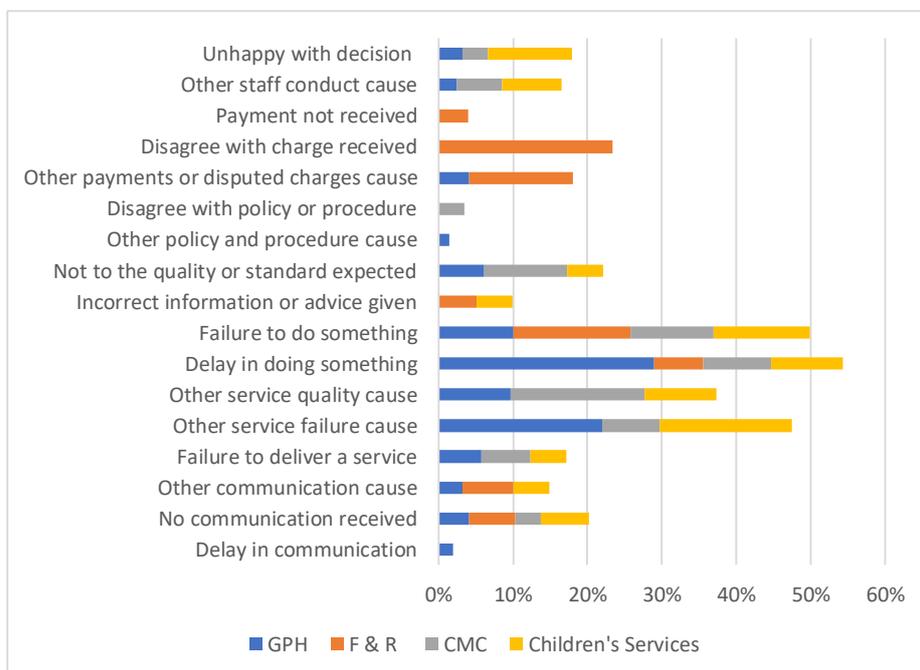
	2018/19		2019/20
Not Upheld	55%		54%
Partially Upheld	21%		20%
Upheld	24%		26%

Figure 2 - Outcomes by Directorate



8. Reasons for Complaining

Figure 3 - Cause of complaint by Directorate



8.1. In view of complexity of all the different services offered by each directorate generic causes are used so we can track at a corporate level the overarching cause of complaint. As seen in **Figure 3** failure to do something, a delay in doing something or other service failure cause are the most common cause of complaint.

9. Complaints Learning

9.1. With the volume of complaints it is difficult to capture all complaint learning. The below highlights that complaint data is being analysed and provides some examples of complaint learning coming out of this.

- 9.2. **Parking Services** - All stage 1 complaint data was analysed with a view to identify the trend of the top 3 complaint areas within a period and then case studies were undertaken as part of ongoing training of staff to showcase what learning/training has been taken from the investigations incorporating Stage 1 recommendations.
- 9.3. Parking Services is currently building a new tracking app specifically for complaints data to allow them to capture all feedback, concerns and recommendations in one central location. It will contain the outcomes, actions and will link back to any additional training, studies and process changes that are implemented.

Revenues and Benefits

- 9.4. **Business Rates** The Stage 1 complaint volume is small (total of 29 complaints) when compared with 39,063 commercial properties and 39,070 live accounts. However, following the analysis a review identified that the complaint decision was being omitted from some stage 1 responses. Therefore, staff have been reminded to ensure that that:
- A stage 1 complaint response should confirm that the matter is being addressed at stage 1 of the procedure
 - They should either summarise or make clear the issues of concern and answer each of these concerns, offering a remedy if there has been fault.
 - The response should also make it clear if the complaint finding is Upheld, Not Upheld or Partially upheld
 - If there is more than one aspect to the complaint that the response makes clear whether the service has acted accordingly in each aspect.
- 9.5. The quality of responses is monitored closely, and it is envisaged that Stage 2 complaints for the business rates service will reduce further following the introduction of the Stage 1 response template which has been successfully implemented.
- 9.6. **Council Tax** -The trend in number of complaints against the Council Tax service was increasing at the start of 2019/20. A review was undertaken to identify the causes of complaints but no one service area identified as being responsible. However, the number of stage 1 complaints has reduced from a peak of approximately 30 per month down to approximately 10 per month during 2020/21. To put this into context there are around 128,000 Council Tax properties and 181 stage 1 complaints have been recorded. The quality of stage 1 responses was kept under review and the contractors understanding of the complaints process has been updated and subsequent quality reviews reported an improvement in the overall quality of responses. This is still being monitored.
- 9.7. **Housing Benefits** - An analysis of complaints data revealed the complaints received tend to reflect the pressure of staff to process items to tight timescales. Nevertheless, service dealt with 2374 new claims and 53,549 reported changes of circumstance so the proportion of claimants complaining is low. The cause for complaints and the quality of responses is under constant review reflecting the need for accurate and timely communication with our customers, and item 5.2 explained some of measures taken which have reduced the overall volume of complaints received across both stages.
- 9.8. **Children's Services** – Analysis of complaint data suggested that

communication between the service users and the Social worker was a theme and included service users complaining that they have not been kept up to date on matters to do with their children, or where they do not get responses to emails or phone calls. The Children's Services Customer Relations Team organised lunch and learn sessions to highlight this issues with the various team manager, and the issue has also been raised at senior managers meetings.

- 9.9. **Housing Management Services** - Over the last year the Housing Complaints team has been working to embed and align with the corporate complaints process after coming back in house. The most significant area is the work being undertaken in readiness for the new Housing Ombudsman Code. In addition, key learning from complaints highlighted problems in how they managed leaks and communication with residents and in particular, residents affected by a leak. A leak detection unit was set up to better manage leaks and a new process was designed and implemented October 2020.

10. STAGE 2 COMPLAINTS

Volume of Complaints by Directorate

- 10.1. Total number of Stage 2 Complaints in 2019/2020 – **176** (withdrawn cases not included). There were 131 stage 2 complaints received in the preceding year and therefore we have seen a percentage increase of 34% in stage 2 volumes compared with 2018/19.
- 10.2. As with stage 1 volumes the increase in stage 2 volumes also attributed to the return of Housing Management Services complaints. If the stage 2 complaints for or Housing management Services is removed (**Table 2 item 4.3**) this indicates that overall 114 stage 2 complaint were received, and this represents a reduction (-13%) on the previous year. There has also been reductions in the volumes of complaints from F&R (HB, CT & Business Rates), and the reasons is the general improvement of complaint handling at stage 1 as explained in **Item 5.2**.

Table 8 - A comparison of stage 2 volumes by Divisions within each directorate for 2019/20 & 2018/19

Directorate/ Division - Stage 2	Total for 2018/19	Total for 2019/20	Variance
Finance & Resources	56	24	-32
<i>Housing Benefit</i>	23	7	-16
<i>Council Tax</i>	24	15	-9
<i>Business Rates</i>	9	2	-7
City Management and Communities	39	42	3
<i>Waste and Parks</i>	8	5	-3
<i>Public Protection and Licensing</i>	11	13	2
<i>Parking Services</i>	13	14	1
<i>Highways and Public Realm</i>	1	4	3
<i>Libraries and Archives</i>	2	0	-2
<i>Community Services (Sports)</i>	3	6	3
Growth, Planning and Housing	33	100	67
<i>Development Planning</i>	9	7	-2
<i>Housing Solution Services</i>	24	31	7
<i>Housing Mgt (was CityWest Homes)</i>	*	62	62
Chief Executives	2	9	7
Electoral Services	2	9	7
Children's Services	2	8	6
Total	131	176	45

* No data as CityWest Homes operated its own complaints procedure in 2018/19

Stage 2 – Responses times

- 10.3. As indicated in **Table 9** below response times have slowed when compared with 2018/19, and overall the target response was met in 13% of complaints. The reduction in meeting the target response time is due in part to the increase in the volume of stage 2 complaints, the number of complex investigations, and services have generally been slower in replying to requests for information. The delays and the poor responses to some requests for information is being monitored.

Table 9 - Response Time to Complaints by Directorate

Stage 2 - Within Target Response Times	2018/19	2019/20
	25%	13%

11. Stage 2 Outcomes

- 11.1. As with stage 1 each stage 2 complaint response should indicate what the complaint outcome is.
- 11.2. It is generally accepted that at stage 1 there will be a higher percentage of complaints that are upheld or partially upheld as the purpose of the investigation is to determine if there has been fault (service failure) and to put right any wrongs. This should then prevent a complaint from escalating to the final stage of the complaint procedure.
- 11.3. **Table 10** below, indicates that that the percentage of Not Upheld decision for 2019/20 has fallen when compared with 2018/19 and there has been an increase in overall percentage of complaints that have been Upheld and Partially Upheld. At first glance it may appear that more fault is being identified in the stage 2 responses than in the preceding year, however no firm conclusion can be drawn as the table includes data from Housing Management Services, and no comparable data is included for GPH in 2018/19. **Table 11** shows what the Council's overall performance on decision looks if data for Housing Management Services is not included in the calculations, and this indicates that performance is comparable.

Table10 - A comparison of % Complaint decision by Directorate and overall % totals for 2018/19 and 2019/20

	2018/19 Upheld decision	2018/19 Not Upheld decision	2018/19 Partially Upheld decision		2019/20 Upheld decision	2019/20 Not Upheld decision	2019/20 Partially Upheld decision
Finance & Resources	4%	35%	3%		4%	5%	5%
City Management and Communities	2%	24%	6%		1%	16%	6%
Growth, Planning and Housing	0%	20%	4%		11%	22%	24%
Children's Services	0%	2%	0%		1%	2%	3%
Totals	6%	82%	13%		17%	45%	38%

Table 11 - Comparison of complaint decision for 2018/19 and 2019/20 with 2019/20 (no data for Housing management included)

	2018/19	2019/20
Not Upheld	55%	60%
Partially Upheld	21%	31%
Upheld	24%	10%

Reasons for complaint escalation

- 11.4. The Council has an open complaints procedure and welcomes complaints even if the complainant does not fully explain their dissatisfaction with the stage 1 response. The **Figure 4** below indicates that 53% of stage 2 complaints provided no specific reason(s) for escalating their complaint other than to generally disagree with the stage 1 finding. Of those complainants who did cite per specific reasons for escalating their complaint 37% said that the stage 1 response failed to address all the issues raised in the complaint.
- 11.5. **Table 12** indicates that the escalation rate from stage 1 to stage 2 across all directorates, is 11%. This is a good performance given that there are only two stages in the complaints procedure, and you would expect that more complainants would want to escalate their concern to the next stage especially if the stage 1 complaint was not upheld. This is a therefore a reasonable indicator that stage 1 complaint handling is effective, and faults are being identified and rectified at this stage.

Figure 4 Reasons complaint escalation

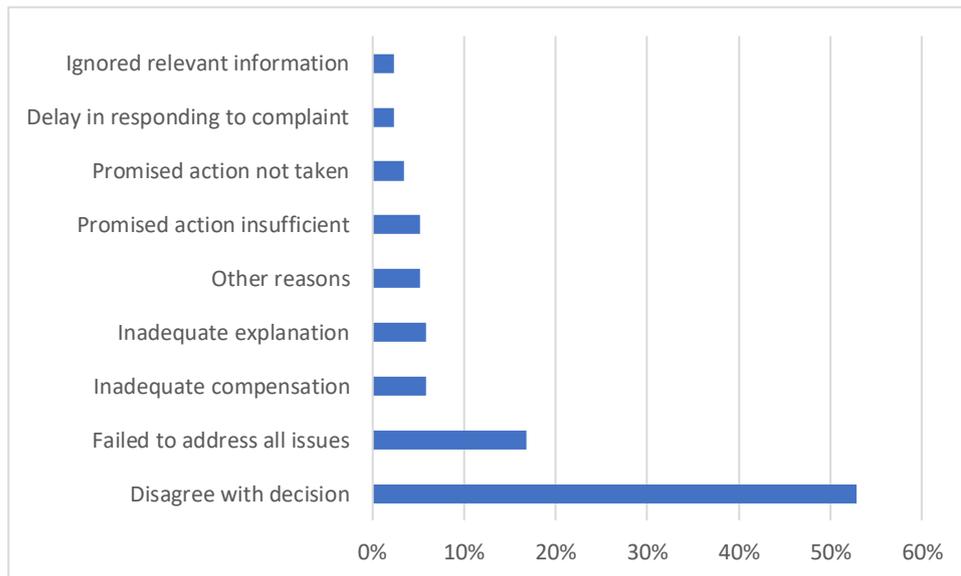


Table 12 – The Escalation rate from stage 1 to stage 2 across all directorates for 2019/20

Directorate/ Division	Stage 1 Total for 2019/20	Stage 2 Totals for 2019/20	% escalated to Stage 2
Finance and Resources	274	24	9%
<i>Housing Benefit</i>	66	7	11%
<i>Council Tax</i>	180	15	8%
<i>Business Rates</i>	28	2	7%
City Management and Communities	349	42	12%
<i>Waste and Parks</i>	118	5	4%
<i>Public Protection and Licensing</i>	82	13	16%
<i>Parking Services</i>	91	14	15%
<i>Highways and Public Realm</i>	21	4	19%
<i>Libraries and Archives</i>	12	0	0%
<i>Community Services (Sports & Leisure)</i>	25	6	24%
Growth, Planning and Housing	922	100	11%
<i>Development Planning</i>	62	7	11%
<i>Housing Solution Services</i>	178	31	17%
<i>Housing Mgt (was CityWest Homes)</i>	682	62	9%
Chief Executives	9	0	0%
Electoral Services	9	0	0%
Policy, Performance and Communications	9	2	22%
<i>Campaigns / Engagement</i>	4	0	0%
<i>City Promotions, Events and Filming</i>	5	0	0%
Westminster Adult Education Service (WAES)	3	0	0%
WAES	3	0	0%
Children's Services	62	8	13%
<i>Children's Services</i>	62		0%
Total	1628	176	11%

12. Local Government and Social Care Ombudsman (LGSCO)

First Time Inquiries

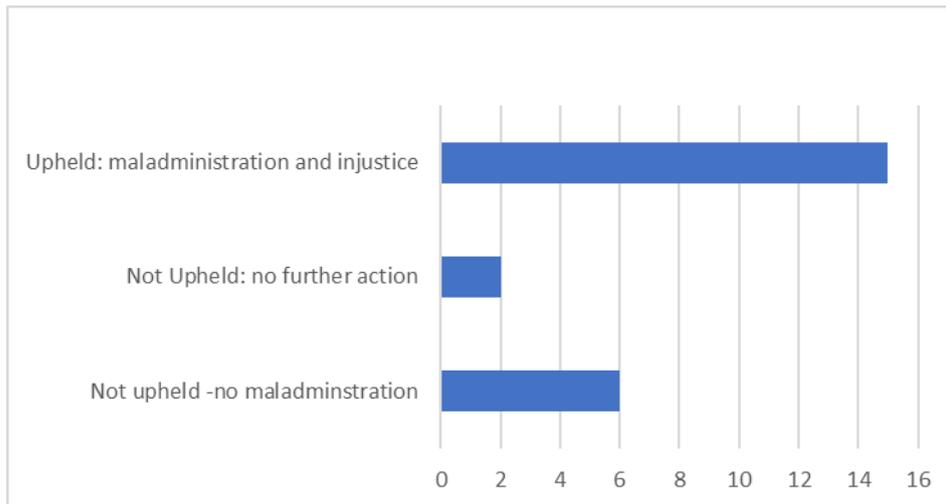
- 12.1. When the LGSCO decide that they wish to investigate a complaint about council services they can do so by simply reviewing the information the complainant has provided and/or use information from various web sites or set out in legislation. If they want to obtain specific information from a local 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 inquiries.
- 12.2. As shown in **Table 13** there is has been an increase (+8) in the number in the number of first time enquiries when compared with the preceding year. It should also be noted that the first time enquiries include 5 cases from Adults Social Care which were not investigated under the Council's Corporate Complaints Procedure as they were dealt with under the Adult's Services statutory procedure.

Table 13 - LGSCO total First Time Enquiries for the years 2018/19 & 2019/20

	First Time enquiries Totals 2018/19	First Time enquiries Totals 2019/20	Variance
F&R - HB	2	0	-2
F&R- CT	1	2	1
F&R- NNDR	2	1	-1
GPH - HSS	4	8	4
GPH - Planning	0	1	1
CMC - Parking	2	1	-1
CMC - Highways & Infrastructure	0		0
CMC-Public Protection & Licensing	0	2	2
CMC - Waste & Parks	0		0
CMC - Physical Activity, Leisure & Sport		1	1
Adult's	3	5	2
Children's Services	3	4	1
Totals	17	25	8

- 12.3. No formal published reports finding maladministration with injustice were issued against the Council in 2019/20. The last formal maladministration report was issued in September 2013.
- 12.4. While the Council has received 25 first time enquiries in 2019/20 to date there has been 23 decisions made. **Figure 5** below provides a breakdown of the decision made on first time enquiries received in 2019/20

Figure 5 - Decision made on first time enquiries for 2019/20



Compensation

- 12.5. The LGSCO 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 LGSCO’s satisfaction during the investigation so allowing the complaint to be closed. These remedies can include the payment of financial settlements.
- 12.6. A comparative breakdown of LGSCO financial remedies for 2018/19 and 2019/209 can be found below (**Table14**).

Table 14 – Comparison of LGSCO compensation settlements

Financial Local settlements	2018/19	nos of complaints offering compensation		2019/20	nos of complaints offering compensation
GPH - HSS	£7,900.00	4		£900.00	3
F&R - CT	£100.00	1			0
F&R - NNDR	£1,230.00	2			0
Adults Services	£500.00	1		£250.00	1
Children's Services		0		£2,050.00	3
CMC- Sports & Leisure		0		£100.00	1
CMC- PPI		0		£1,400.00	1
CMC- Parking Services		0		£324.00	1
Totals	£9,730.00	8		£5,024.00	10

- 12.7. Where applicable compensation is usually paid by the relevant contractor/provider and not from the Council's purse.
- 12.8. It is difficult to make performance comparisons between financial years as each complaint is dealt with on its merits although **Table 14** indicates that compensation was offered in 10 complaints. Although compensation was awarded in more complaints the total amount awarded for 2019/20 is less than the preceding year (-£4,706.00).
- 12.9. The majority of each single award are for payments of £300.00 or less. A single award of £1,050.00 made in a Children's Services complaint. This involved a complaint made on behalf of child saying that the Council failed to provide him with suitable education after he arrived in the country as an unaccompanied asylum-seeking child. The Ombudsman found that we delayed completing the child's personal education plan and failed to ensure he received suitable education between September 2017 and March 2018. Compensation of £800 awarded to use for the benefit of the child's education and a further £250 for the uncertainty caused by the delay in handling the complaint.
- 12.10. An award of £1,400.00 involved a PPI -noise complaint saying the Council failed to properly consider noise complaints she made. The Ombudsman found there were failings in the actions the Council took in response the complaints which included failing to keep proper records, a failing to investigate the source of the noise properly, and that we failed to issue an abatement notice after officers witnessed a statutory nuisance. At the time the decision was made the Council had already confirmed that a restructure had occurred, and a number of new processes and procedures had been implemented to improve its processes.

LGSCO – Annual Letter 2019/20

- 12.11. Attached as **Appendix 1** is the Local Government Ombudsman and Social Care Ombudsman Annual Letter for 2019/20.
- 12.12. The Annual letter explains 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 the total complaints and enquiries received (102) were not investigated by the Ombudsman as these are returned to the authority to answer within their own complaints procedure or are closed after initial enquiries. In addition, the LGSCO report on all

decisions made in 2019/20 and some of these cases were received in the preceding year.

- 12.13. The LGSCO annual letter also refers the reader to the statistical information available via a tool on the LGSCO web site. The Council’s complaints manager has access to this tool and can arrange for Members or managers to have access.

Table 15 – a comparison of all LGSCO Complaint decisions & Enquiries for 2018/19 and 2019/20

	2018/19	2019/20
Total number of complaints and enquiries	110	107
Cases referred back to Council or advice given or cases not completed for valid reasons	54 (49%)	58 (54%)
Cases closed after initial enquiries made	38 (34%)	20 (19%)
Cases Upheld	9 (8%)	21 (19%)
Cases Not Upheld	9 (8%)	8 (7%)

- 12.14. As indicated in the **Table 15** above 73% of complaints and enquiries made were referred back to the Council or the case was closed after initial enquiries were made.

- 12.15. The below is a summary of the main learning issues for the Council coming out of the Annual letter:

- Ensure that all agreed LGSCO remedies are completed within the time indicated
- It is the responsibility of the relevant service to make the necessary arrangements to make payment of any agreed compensation, and this should be started when the service receives a copy of the final decision
- To consider whether an early resolution remedy could be made either when answering formal detailed enquiries or if the complaints team notify the service of this opportunity before the case is allocated to a LGSCO investigator

- 12.16. The focus in the annual letter is on those cases decided in 2019/20, our compliance with agreed recommendations and satisfactory remedies provided by the authority.

- 12.17. The LGSCO either finds a complaint is Upheld or Not Upheld. When a complaint is Upheld the Ombudsman will decide if there was injustice or no injustice caused by the fault(s) they have found. To uphold a complaint some fault must be found, and this means that if a stage 2 complaint has been either upheld or partially upheld then the LGSCO decision will also find the complaint to be upheld.

Table 16: Comparison of the total number of LGSCO cases received, decided and upheld decision for 2019/20 and 2018/19

Nos LGSCO complaints and Enquiries received	Nos cases decided	Nos detailed investigations	Nos Upheld Decisions	Upheld decision as %	Average % of Upheld decisions for other similar local authorities
2019/20	107	102	29	72%	70%
2018/19	116	111	18	50%	63%

Compliance

- 12.18. When a case is closed, and a remedy agreed the LGSCO will track whether the local authority completes the remedy, and if this was done in time. As indicated in **Table 17** below the Council has delivered on all the agreed remedies, although 5 were late. This is disappointing as a written apology was the remedy in three of the five remedies delivered late, and in the other two complaints the service was late in paying the agreed compensation. When a copy of the final complaint decision is sent to the service if there is/are any remedies which require action, the complaints team remind that these actions should be completed within the time scales indicated in the Ombudsman decision statement.

Table 17: Compliance on agreed remedies

% of cases complainant with LGSCO recommendations	% of complaints not undertaken within agreed time	Average % compliance in other similar authorities
100% (13/13)	38% (5/13)	99%

Early resolution

- 12.19. The LGSCO encourage the early resolution of complaints. They recognise cases where an authority has taken steps to put things right before the complaint came to them and in which the authority upheld the complaint and the LGSCO agreed with how it offered to put things right.

Table 18: Early resolution of complaints

% of upheld cases where a satisfactory remedy was provided before the complaint reached the LGSCO	Average % of upheld cases where a satisfactory remedy was provided before the complaint reached the LGSCO for other similar authorities
14% (3/29)	15%

13. Leader and Cabinet Members Correspondence

14. Members Correspondence

- 14.1. Correspondence addressed to the Leader, Cabinet Members (specifically in their capacity as an Executive portfolio-holder rather than as a Ward Councillor), and backbench Members, will often take the form of a complaint or issue with a service that is provided by the City Council. For the purposes of this report the majority of this

correspondence is considered as part of this team and not as part of the formal complaints procedure.

- 14.2. As can be seen from **Table 19** the figures are down from last year (-198). This is in the main due to departments responding to the correspondence directly rather than the Cabinet Member's office issuing the response.
- 14.3. Over the next year, the iCasework system and associated processes will be reviewed to see how they can be improved including closer collaboration with other Council departments which are using the same system and whether the system is still fit for purpose for the team.
- 14.4. Over the past year the Cabinet Secretariat and Member Services teams have found that the individual services and sign off from Members has in most cases been timely however there are on occasion long delays in responses which means that this skews the average turnaround time to 15 days, which is not representative across the board.
- 14.5. The main themes of correspondence/enquiries over the last year have been under the Housing Services and Environment and Highways (including parking) portfolios. It should be noted that correspondence relating to the Covid-19 pandemic and the Council's response are not included in the figures as the lock-down came into force only a week before the end of the year on which these figures are based.
- 14.6. The data provided in **Table 19** shows the breakdown of correspondence by Cabinet portfolio. It should be noted that correspondence that has been addressed to the Leader but relates to other portfolios, apart from her own, have been counted under that portfolio; therefore, this does not represent the high volume of correspondence the Leader received throughout the year.

Table 19: A breakdown of correspondence totals received by Cabinet Portfolio

Portfolio	2019/20	2018/19
Leader	8	7
Finance, Property and Regeneration	19	73
Adult Social Care and Public Health (2018/19 figures also include Children's Services)	18	31
Community Services & Digital (renamed from Customer Services and Digital in 2019 and figures from 2018 combined)	10	8
Public Protection and Licensing	33	54
Children's Services (this was split from Family Services in 2020 – and therefore figures only represent this year)	8	-
Business and Planning (figures have been combined from Place Shaping and Planning and Economic Development in previous years)	31	40
Housing Services	78	129
Environment and Highways	66	127
Totals	271	469

* As portfolios have combined over the past year it should be noted that the figures for 2018-19 have been combined as below so that comparisons can be made:

Community Services, Sports and Leisure (2018/19) have been added to the Community Services and Digital Portfolio

Family Services previously included Children and Adult Services; for 2019/20 this has been split across both portfolios

Business & Planning figures for 2018/19 now include those from Place Shaping and Planning and Economic Development

Sue Howell
Complaints and Customer Manager

**Appendix A : Local Government and Social Care Ombudsman Annual Report
2019/20**