

Audit and Performance Committee Report

Meeting:	Audit and Performance Committee
Date:	1 December 2021
Classification:	General Release
Title:	Annual Complaints Review 2020/21
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 2020/21 (**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 and Social Care Ombudsman (LGSCO), and a limited review of dealing with the Leader and Cabinet Member correspondence. A copy of the Local Government and Social Care Ombudsman Annual Letter/Review for the year ended 31 March 2021 (**Appendix 2**) is also attached.
- 1.3 Adults and Children's Social Care Services each have their own separate statutory complaints procedure and as such separate reports are produced (**Appendix 3 and 4**).

2 Recommendations

- 2.1 Members are requested to review and note the information about complaints set out in the Annual Complaint Review 2020/21 (**Appendix 1**) and review the Local Government and Social Care Ombudsman Annual Letter/Review (**Appendix 2**).

3 Complaints Handling

3.1 The Council has a 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 (20 working day turnaround). This is currently delegated to ELT members.

If the complainant remains dissatisfied, they can take their concerns to the Local Government and Social Care Ombudsman (LGSCO)

Note - the target response time for stage 2 was changed from 16 June 2021 to 20 working days

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 (**Appendix 3 and 4**).

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 the 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 an initial request from a customer is received this is not usually considered a formal complaint. The request becomes a complaint should the person make further contact if they consider the matter has not been dealt with satisfactorily, or to protest 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 and a service area may attempt to do this a couple of times before the matter is put into the formal complaints procedure.

3.6 There are some concerns which cannot be dealt with under the council's corporate complaint procedure. These 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.

4 Findings from the Annual Complaint Review (Appendix 1)

- 4.1 A total of **1785** complaints (1542 at stage 1 and 243 at stage 2) have been recorded across both stages of the corporate complaints procedure. This is a decrease (19%) on the previous year. However, there has been an overall increase at stage 2.

Stage 1 summary

- 4.2 Response times – The 10 working day response target has been met in 69% of stage 1 complaints which is an 8% reduction on the previous year. It is likely that the pandemic has slowed down response times as in some services officers were displaced to undertake priority pandemic duties.
- 4.3 Complaint Learning – Items 6.12 to 6.29 of the Annual Complaints Review provides some examples of how complaint data has been used for complaint learning.

Stage 2 summary

- 4.4 Complaint Volume/Escalation – 243 stage 2 complaints have been received which represents a 38% increase on the previous year. This is generally due to the increase in Housing Management Services complaints and Housing Solutions Services complaints.
- 4.5 Response Times – 17% of stage 2 complaints were responded to in target response time (10 working days) against 13% in the preceding year. Performance has been impacted by the increase in the volume of stage 2 complaints, the number of complex investigations and some services have generally been slower in replying to requests for information which can be attributed to the displacement of staff during the pandemic.
- 4.6 Complaint Escalation Rate – Across all services the escalation rate from stage 1 to stage 2 is 16%.

Local Government and Social Care Ombudsman (LGSCO)

- 4.7 One formal published report was issued on 10 June 2020 regarding a complaint made to Adult Services. The report found fault causing injustice. This was the first public report issued against the Council since September 2013.
- 4.8 The Council received 23 first time enquiries in 2020/21 against 24 the previous year.

LGSCO Annual letter 2020/21

- 4.9 Complaint Outcomes – 71% of all LGSCO complaints and enquiries received in 2020/21 were either referred back to the Council's complaints procedure or the case was closed after initial enquiries were made.
- 4.10 The annual letter highlighted that the LGSCO issued a public report (the first against the Council since 2013) about the Council's failure to provide a blind man with a care and support plan that properly met his assessed adult care needs. Their investigation found the care and support plan did not provide for access to community services, which meant the resident was denied the opportunity to access activities and services that would benefit his well-being, such as assisted walks. The Council accepted all their findings and recommendations, which included an apology and a payment to the resident. The Council also agreed to review other cases to ensure the same thing had not happened to anyone else.

Leader and Cabinet Member Correspondence

- 4.11 The volume of correspondence has increased during 2020/21. This is generally because residents have increased their contact with the Council during the pandemic; the increase is about 30%.

5 The Management of Complaints

- 5.1 The Council published a formal Complaints policy on 22 February 2021. Using the 'policy elements' of the Council's Complaints Best Practice Guide a council-wide public document was developed and behind this are the procedures for staff.
- 5.2 From 16 June 2021 the target response time for stage 2 increased from 10 working days to 20 working days which was a change to the Council's Complaints policy. The Council recognised that meeting the 10 working days target was challenging. This was because more complex complaints were escalating to Stage 2 across all departments and the target did not give sufficient time to conduct a reasonable and thorough review and allow the relevant department sufficient time to have the draft cleared through their own internal procedures, and then for the final version to be signed off by the relevant ELT lead.

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: Zoe Evans, Complaints and Customer Manager

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BACKGROUND PAPERS

None