

## **1. INTRODUCTION**

- 1.1 This report provides headline data related to complaints and enquiries for 2014/15 alongside progress made following bedding in of complaints improvement work over the last year.

## **2. RECOMMENDATION(S)**

- 2.1 The Governance & Resources Committee is recommended to: -
1. note and comment on issues relating to complaints and enquiries during 2014/15 and progress and improvements made

## **3. BACKGROUND**

- 3.1 This report is in accordance with the Governance & Resources Committee's role in monitoring the Complaints and Enquiries process.

## **4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES**

- 4.1 There are no additional financial implications arising from this report. The cost of staff dealing with complaints across the Council is met from within the relevant revenue budgets, as are any compensation payments made. The cost of complaints monitoring is met within the approved revenue budget of the Business Analysis and Complaints Team.
- 4.2 Such costs, however, can be minimised by ensuring that complaints are dealt with successfully at the first stage, thus reducing the numbers that proceed to later stages.

## **5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

- 5.1 This report informs Members of progress with the complaints process. Whilst there are no direct legal implications, some significant and unresolved complaints could result in legal action. An example is disrepair if a tenant complains of failure to carry out landlord's obligations to do essential repairs.
- 5.2 The report also refers to the role of the Ombudsman in managing complaints. By law if the Ombudsman intervenes and produces a formal report setting out significant failings by the Council, this would need to be reported to Full Council and the Ombudsman's report made available to the public. The Council and the complainant also have recourse to judicial review proceedings if they disagree with the Ombudsman's findings.
- 5.3 The report has not identified any issues of major concern to the Council with a risk of legal intervention.

## APPENDICES

### 1 – Complaints and Enquiries Annual Report 2014/15

#### BACKGROUND PAPERS

In accordance with Section 100D of the Local Government Act, 1972 - Access to Information a list of Background Papers used in the preparation of reports is required.

Description of document	Location	Date

<b>Report Author</b>	Simon Gray Tel: 020 8356 8218 Email: Simon.Gray@hackney.gov.uk
<b>Comments of the Corporate Director of Finance and Resources</b>	Michael Honeysett Tel: 020 8356 3332 Email: Michael.honeysett@hackney.gov.uk
<b>Comments of the Corporate Director of Legal and Democratic Services</b>	Gifty Edila Tel: 020 8356 3265 Email: Gifty.Edila@hackney.gov.uk

# Complaints and Enquiries Annual Report 2014/2015

---

## 1. Introduction

- 1.1 This report outlines the continuing progress made on improving the Complaints & Members Enquiries process as well as information on the volume of complaints and enquiries and performance.

## 2. Changes to the process & improvement work

- 2.1 2014/15 is the first full year working to for the two stage complaints process and the fully embedded Covalent Feedback software.
- 2.2 The rationale for these changes was to see:
- staff in the Council and Hackney Homes handling complaints and Members Enquiries focusing much more on resolution of issues, quality of response and resident contact/engagement
  - improved case management/tracking and issue identification
  - greater Assistant Director/ senior management engagement in the complaints process
  - greater ownership of Review stage complaints by Directors through sign-off arrangements
- 2.3 In short, the aim of these changes was primarily two-fold; to be more responsive to the public and; for senior managers to be more accountable for ensuring prompt resolution of issues and for dealing with the underlying causes of complaints to reduce the numbers being made.
- 2.4 It is evident that volumes of complaints are not reducing significantly however the removal of the old second stage has not seen a significant displacement of additional complaints at the Review stage which is in some part due to the improvements in the quality of resolution stage investigations including a greater focus on resolving issues. Equally though, volumes are not increasing either which is significant given increased pressures on services and the backdrop of the Local Government Ombudsman reporting that Councils across the board are generally dealing with increasing numbers of complaints. The improvement and focus on resolution is evidenced through the quality assessment sampling of between 15- 20% of investigations conducted by the higher complaint generating areas of Benefits & Housing Needs, Hackney Homes and Parking which are showing steady but improving signs across the quality of investigation, the focus on resolution and standard of written response/findings. Despite this there is still room for improvement in the quality of record keeping within some services which is being addressed.
- 2.5 Escalation rates, an indicator of successful resolution at the earliest opportunity, are showing stable and consistently low levels. Escalation rates from the Resolution stage (stage 1) to Review (stage 2) have dropped slightly to just

6.6% (196 cases down from 202) compared to a rate of 12% prior to the changes and Reviews escalating to become formal Ombudsman investigations rising slightly to 20.4% (40 cases up from 37).

- 2.6 Although the internal escalation rate is low, it does still mean a continued higher volume of detailed investigations required by the Business Analysis & Complaints team, which have been undertaken with reducing resources as a result of improved efficiencies.
- 2.7 The escalation rate to Ombudsman despite being at just over 20% should be viewed in the context that less than half of the 40 complaints formally investigated by both Ombudsmen were actually upheld (17 of 31) with the remaining 9 being Housing Ombudsman cases which they are still to determine.
- 2.8 The LGO report a reduction in the volume of detailed investigations undertaken in Hackney in 2014/15 at 22, down from 37 the year before and the percentage upheld down to 55% from 84% last year. It should also be noted that upheld can also mean 100% agreement with us so doesn't necessarily mean finding new or different fault.

### 3. Complaints and Enquiries Data Analysis (2014/2015)

- 3.1 The following tables show that volumes of complaints remain relatively static compared to the previous year with volumes of Members Enquiries rising slightly and Mayor's Enquiries volumes continuing to reduce in 2014/15.
- 3.2 Whilst any complaint received means the Council or Hackney Homes have, in the opinion of our residents, failed to provide an acceptable service, the numbers of complaints and those which are escalated should be viewed in the context of the size of the borough, the number of transactions and the complexity of those transactions. Hackney has a population in excess of 263,000 living in 109,000 households. Relevant to the areas with the highest volume of complaints we have 22,400 homes rented from Hackney Homes and an additional 8,600 leaseholders, more than 43,000 residents claiming benefits and almost 327,000 visits per year to the service centre/cashiers asking for assistance on a wide range of services.

	2012/13	2013/14*	2014/15
<b>Stage One / Resolution</b>	3,078	2,951	2,964
<b>Stage Two</b>	436	226	N/A
<b>Review (formerly stage three)</b>	151	202	196
<b>Members Enquiries</b>	1,460	1,828	1,993
<b>Mayor's Office Enquiries</b>	2,479	2,076	1,597

\* change to process in October 2013 removed stage 2

<b>Average Complaints Response Times</b>	2012/13	2013/14	2014/15

<b>Average Complaints Response Times</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Stage One/Resolution Complaints	14 working days	14 working days	20 working days
Stage Three/ Review Complaints	18 working days	18 working days	19 working days

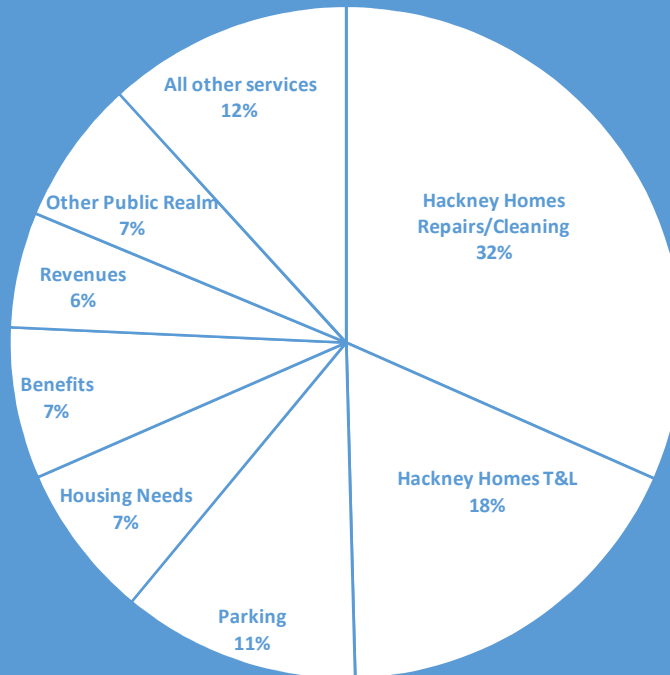
3.3 Despite volumes of Resolution (stage 1) complaints in 2014/15 remaining static compared to the previous year, the 40% increase in the average time taken to respond is a development that is being closely monitored and issues addressed. The focus has shifted from rigid deadlines for response to measuring average time taken as issues and resolution are addressed and not just a response. However the rise from 14 to 20 days is significant and with Hackney Homes receiving 47% of Resolution stage complaints and their average response time jumping from 15 to 28 days in the last year this is clearly the area having most impact. The overall Council Resolution figure, excluding Hackney Homes, is 13 days. Delays in Hackney Homes responses are due in the main to delays with contractors undertaking work and this is being addressed through an on-going process review.

3.4 There has been a slight reduction in the number of Review complaints when compared to 2013/14 with the distribution across the directorates remaining broadly similar with Hackney Homes generating 99 (51%), Finance & Resources 52 (27%) and Health & Community Services 31 (16%).

### **Types of Complaints**

3.5 The chart below sets out the service areas in the Council and Hackney Homes that receive the highest volumes of Resolution stage complaints.

#### % RESOLUTION STAGE COMPLAINTS RECEIVED 2014-15



3.6 A breakdown of Resolution stage complaints by 'complaint type', where identified, shows that people are complaining about service failure (63%), case management (17%), staff behaviour (14%), disagreement with policy/decision (4%) and 'other' (2%).

3.7 The issues generating Resolution stage complaints read proportionately across to those escalating to Review.

### ***Ombudsman Complaints***

3.8 Following conclusion of the Council's process any complainant can approach one of two Ombudsman to ask for their case to be reviewed, either the Local Government Ombudsman (LGO) or the Housing Ombudsman (HOS). In addition, those making a housing related complainant (including Registered Providers) can ask a Designated Person (Cllr Glanville for Hackney) to decide whether they can help in reaching resolution of the issue without the need for the Housing Ombudsman to be involved.

3.9 The LGO has published their Annual Report for 2014/15 and report that they undertook 22 formal investigations in Hackney last year of which 12 (55%) were upheld. This is a reduction from the 37 investigations in 2013/14 when 84% (31) were upheld.

- 3.10 There were 10 housing related cases where the complainant formally asked for Designated Person (Cllr Glanville) assistance in resolving matters following the conclusion of the Council's formal complaints process. One case has been withdrawn as it progresses through the legal disrepair route. Of the remaining nine, the Designated Person allowed five cases to move straight to Housing Ombudsman as there was no more he could add to resolution already offered. He intervened in the remaining four cases but this has not necessarily prevented the complaint from escalating to the Housing Ombudsman.
- 3.11 The Housing Ombudsman do not publish an annual letter or report but our data shows that we had 18 formal investigations by them in 2014/15. There are concerns that the Housing Ombudsman are currently taking between 12 and 14 months to determine cases they formally take on and as such nine of these 18 complaints remain undetermined. Of the nine where decisions have been made, two (22%) were upheld.

### ***a) Members' Enquiries***

- 3.12 Members' Enquiries consist of a mixture of complaints, requests for service for residents and requests for information. Currently, there is no distinct separation in the way these different category types are dealt with and all have an average response turnaround time standard of 10 working days.
- 3.13 In line with increases in time taken to respond to Resolution stage complaints the rise from 10 to 13 days is significant and with Hackney Homes receiving 40% of Members Enquiries and their average response time jumping from 11 to 17 days in the last year this is clearly the area having most impact. The overall Council figure, excluding Hackney Homes, is 10 working days.
- 3.14 A breakdown of Members Enquiries by type shows that the majority, 84%, are used to raise service requests (66%), information requests (11%) or complaints (7%) on behalf of residents.

<b>Members Enquiries</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Members Enquiries Received	1,848	1,828	1,993
Average time taken to respond	8.5 working days	10 working days	13 working days

### ***b) Mayor's and Cabinet Members Enquiries***

- 3.15 Each Mayor's Enquiry represents a comprehensive, personal response sent from the Mayor to what are often wide ranging and complex enquiries.

<b>Mayor's &amp; Cabinet Members Enquiries (inc Referrals)</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Enquiries Received (inc referrals)	2,479	2,076*	1,597*
Average time taken to respond	9.7 working days	11.2 working days*	18.6 working days*

\* Note: Unlike the rest of the data in this report which is derived from the corporate complaints database, these figures are taken from a local source in the Mayor's Office as, due to multiple cases, separate records are kept.

- 3.16 Responses are subject to extensive quality assurance processes by the Mayor's Office and the Mayor before the response is sent, and many drafts have to be returned to departments in cases where the resident's query has not been fully answered. Until a full response is obtained, the case will not be concluded, and therefore this process puts significant pressure on the 10 day target timescale.
- 3.17 As shown in the table above, the volume of Mayor and Cabinet enquiries has fallen in recent years, and the total received in 2014/15 was 23% down on the previous year. Despite this, the average time taken to respond to cases was 7.4 days longer.
- 3.18 The Mayor's Office casework function has seen a number of challenges within the 2014/15 reporting year which have had a detrimental effect on performance. From an average of 41% of cases being completed within 10 working days and 70% of cases within 15 working days in the fourth quarter of the 2013/14 reporting year, 2014/15 as a whole saw 35% of cases receiving responses within 10 working days target and 54% of cases being responded to within 15 days.
- 3.19 The increased response times were due to a number of staffing changes and problems arising from the move to the Myoffice system. The Mayor's Caseworker departed soon after the close of Quarter 1, which saw response times fall from 38% within 10 working days and 64% within 15 working days within this Quarter, to a 26% 10 day response rate and a 42% 15 day response rate in Quarter 2. Quarter 3 saw response times return to almost the level of the final quarter of the previous year, with 45% of cases receiving responses within ten days and 64% 15 working days. However, in Quarter 4 a growing caseload, the implementation of the Myoffice system and the departure of the Casework and Administrative Officer – which necessitated recruiting to the post and taking-on agency staff cover for three months – brought response times down once more, to 31% of responses within 10 days and 45% within 15 working days.
- 3.20 2014/15 performance clearly suffered significantly as a result of these challenges. However, with the recruitment of a replacement Casework and



Administrative Officer, response times are once again shortening, with an average response time of 15.3 days overall in the first quarter of 2015/16.

### **c) Adult Social Care Statutory Complaints**

3.21 The table below shows the figures related to complaints covered by the statutory Adult Social Care process

<b>Adult Social Care Local Resolution</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Numbers Received	97	139	93	118
Average time taken to respond	12 working days	18 working days	17 working days	19.5 working days

3.22 The majority of the 2014/15 complaints fell under the following categories: -

- Dissatisfaction with Assessment and Care Provision/packages
- Quality of care service provided
- Charges and payments
- Outcomes of Occupational Therapy assessments and home adaptations
- Blue Badge /Freedom Pass assessments including service users contesting results
- Transport provision

3.23 116 of the 118 cases were concluded at local Resolution stage with just two requiring 'Formal Investigation'.

### **c) Children's Social Care Complaints**

3.24 Complaints related to Children's Social Care are handled separately under a statutory process. The numbers of Stage 1 Children's Social Care complaints have reduced to 34 compared to 43 received in 2013/14. It is possible that the decrease in the number of complaints is a result of continued efforts to resolve complaint representations at a pre-stage through mediation and resolution. Year on year the number of complaints completed at Stage 1 continues to decrease as a result of the continued focus on quick resolution of issues and mediation between units and families.

<b>Children's Social Care Complaints</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
<b>Stage 1 – Local Resolution</b>	50	43	34
<b>Stage 2 – Investigation</b>	7	7	5
<b>Stage 3 – Review Panel</b>	3	6	2

- 3.25 Nature of complaints: difficulties with communication remains the most prevalent categorisation of complaint. This is partly because the category has such large scope, covering issues such as parents dissatisfied with the accuracy of assessments, the behaviour of practitioners, the content of discussions at Child Protection conferences and timeliness or quality of contact from the unit. Other primary drivers of complaints include issues to do with accommodation, Care Plans, and contact arrangements.
- 3.26 The reduction in Stage 2 and Stage 3 complaints is likely to be a result of focus on improving the quality of complaint responses. Simple templates and robust quality assuring by the Safeguarding and Learning Service continue to ensure that complaints are addressed in their entirety with clear rationale given for decisions and recommendations.