

1. INTRODUCTION

- 1.1 This report provides headline data related to complaints and enquiries for the Council during 2015/16 and at appendix 2 provides an update covering the first six months of 2016/17.

2. RECOMMENDATION(S)

- 2.1 The Governance & Resources Committee is recommended to: -

1. note and comment on issues relating to complaints and enquiries managed during 2015/16 and the first 6 months of 2016/17

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 (BACT).
- 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 DIRECTOR OF LEGAL 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 2015/16
- 2 – Complaints and Enquiries 2016/17 update position as at 30 September 2016

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

Report Author	Simon Gray Tel: 020 8356 8218 Email: Simon.Gray@hackney.gov.uk
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Appendix 1

Complaints and Enquiries Annual Report 2015-16

1. Introduction

- 1.1 This report provides an outline of Complaints & Members Enquiries process and focuses on the volumes received and performance in managing and learning from them.

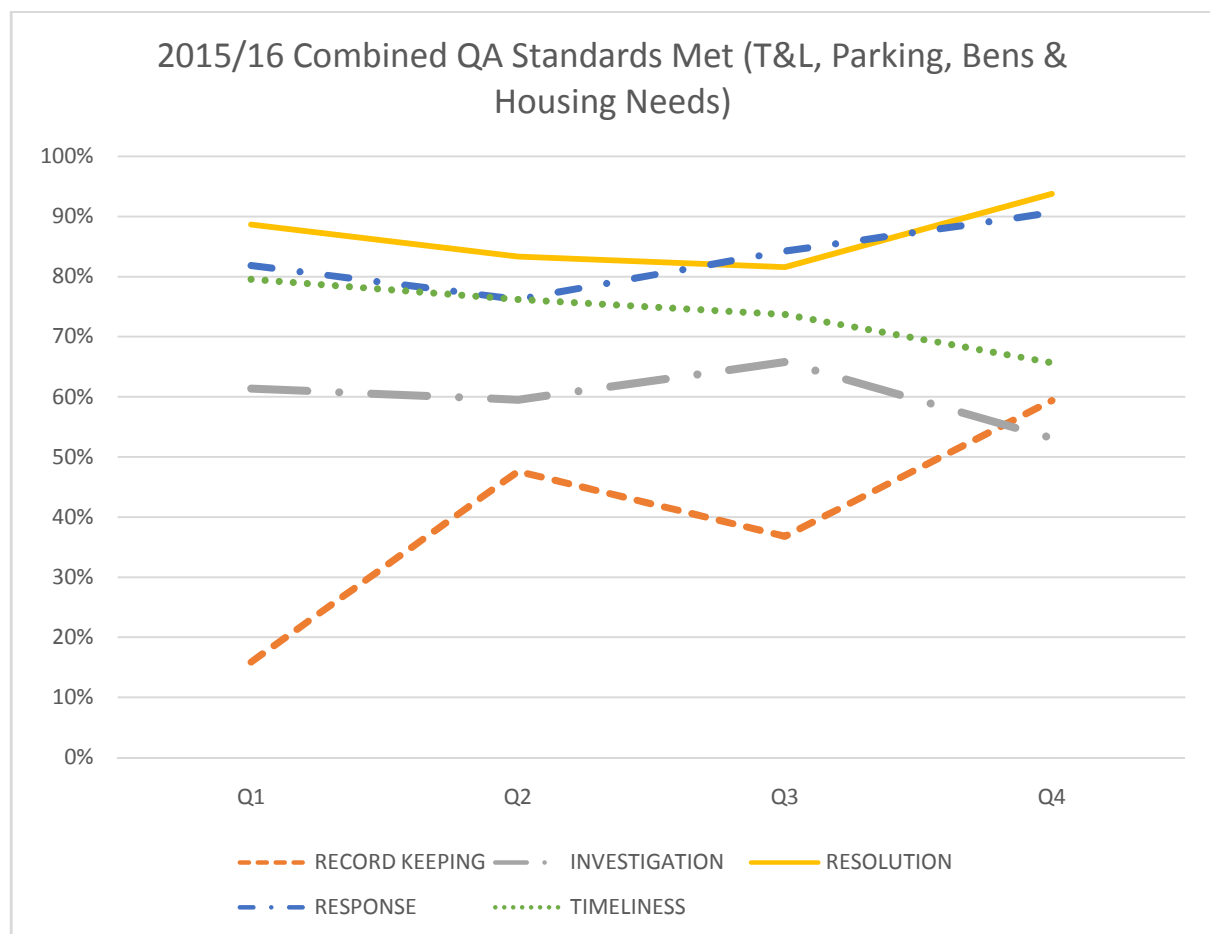
2. Improvement work and quality assessment

- 2.1 Further detail on volumes of complaints and enquiries received in 2015/16, the way they are managed and the intelligence they provide are set out in this report. In addition, an update on figures for the first two quarters of 2016/17 are presented for comparison. In summary, 2015/16 saw a drop in number of complaints and enquiries but figures so far for 2016/17 are showing a possible rise towards 2014/15 levels.
- 2.2 A 10% fall in the volume of resolution stage complaints this year is the first significant drop in many years. The volume of Reviews has fallen this year but is seen as equalising earlier rises in volume when the move to a two stage process was adopted. Reductions may indicate improvements in the quality of resolution stage investigations and also resolving issues before the formal complaints process is started. In addition there is now a more effective triage process when Reviews are requested which has helped reduce volumes and enabled a real focus on important cases, which is key whilst the service continue to reduce staffing in the BACT. There has also been a greater focus on resolving issues. Volumes of complaints have also fallen across Adults (19%) and Children's (10%) Social Care services as have the number of Members Enquiries (18%). The only increase across all categories was in Mayor's Office Enquiries which have increased slightly.
- 2.3 The improvement and focus on resolution is evidenced through the regular quality assessment sampling of between 15- 20% of investigations conducted by the higher complaint generating areas of Benefits & Housing Needs, Tenancy & Leasehold Services, Building Maintenance and Parking which have been taking place over the last two years. Results are showing a broadly improving trend across the year particularly on record keeping, resolution and response. Despite this there is still room for improvement in the quality of investigation and timeliness in some services which is being highlighted to services.
- 2.4 The quality assessments measure against set quality standards covering the five key components of record keeping, response, resolution, investigation and timeliness.

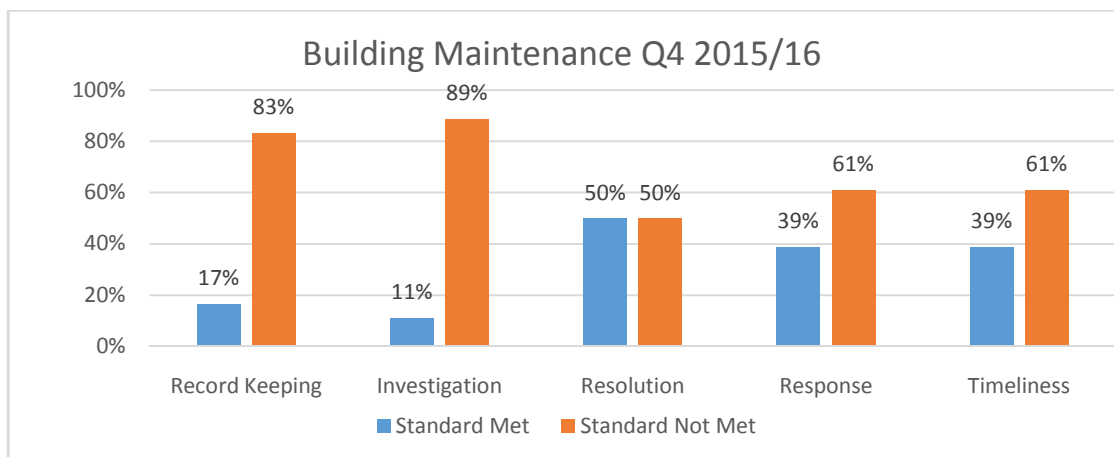
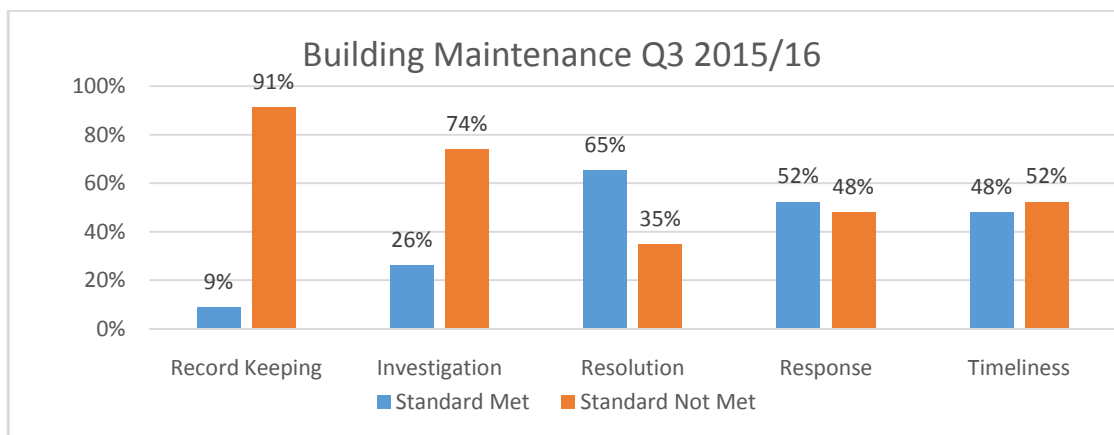
2.5 The QA process is a tool used to drive improvement rather than an ultimate, refined and subjective measure of quality. The outcome of the assessments are written up into a report for the relevant Director or Head of Service setting out details of the cases assessed and findings. Findings over time are highlighted with performance compared against a range of historical, council average and trend data.

2.6 Reports are presented to relevant management teams by the BACT setting out scope, findings, conclusions and most importantly suggested recommendations and service improvements. These reports are generally well received although on occasions difficult conversations are had but overwhelmingly this exercise is seen as positive in driving improvement both in complaint handling but also in resolving issues that are generating complaints. Since the introduction of these quality assessments there has been an upward trend in scores due to services taking better approaches i.e. more senior sign-off of complaints, better awareness of best practice, the provision of training in complaints handling and use of the complaints system and generally by senior officers taking more interest in complaints about their services.

2.7 The chart below shows combined progress across the three services that have been assessed in each quarter of 2015/16.



2.8 In addition to the three areas highlighted above, Building Maintenance have been subject to the QA exercise in Quarters 3 and 4 of 2015/16 and their results are set out below.



2.9 Escalation rates, an indicator of successful resolution at the earliest opportunity, are showing reducing levels. Escalation rates from the Resolution stage (stage 1) to Review (stage 2) have dropped again to just 4.9% (132 cases down from 196). The number of Reviews escalating to become formal Ombudsman investigations, 40, is the same as in 2014/15) although this equates to a 29% escalation rate (up from 20% in 2014/15) due to the lower volumes of Reviews.

2.10 The escalation rate to Ombudsman despite being at 29% should be viewed in the context that only 17 (42%) of the 40 complaints formally investigated by both Ombudsmen were actually upheld. It should also be noted that upheld can also mean 100% agreement with what was determined by the Council at Review stage and does not necessarily mean finding new or different fault.

3. Complaints and Enquiries Data Analysis (2015/2016)

- 3.1 The following tables show that volumes of complaints and Members Enquiries showed a marked (14%) reduction compared to the previous year. Mayor's Enquiries volumes remained fairly static, with just a small 1% increase.

Whilst any complaint received means the Council 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 111,000 households. Relevant to the areas with the highest volume of complaints we have 22,400 homes rented from Hackney Housing and an additional 8,600 leaseholders, more than 42,000 residents claiming in excess of £330m of benefits, with c.200,000 changes in circumstances assessed per annum and more than 162,000 visitors to the Hackney Service Centre asking for assistance on a wide range of services.

	2012/13	2013/14*	2014/15	2015/16
Stage One / Resolution	3,078	2,951	2,964	2,683
Stage Two	436	226	N/A	N/A
Review (formerly stage three)	151	202	196	132
Members Enquiries	1,460	1,828	1,993	1,632
Mayor's Office Enquiries	2,479	2,076	1,597	1,614

* change to process in October 2013 removed stage 2

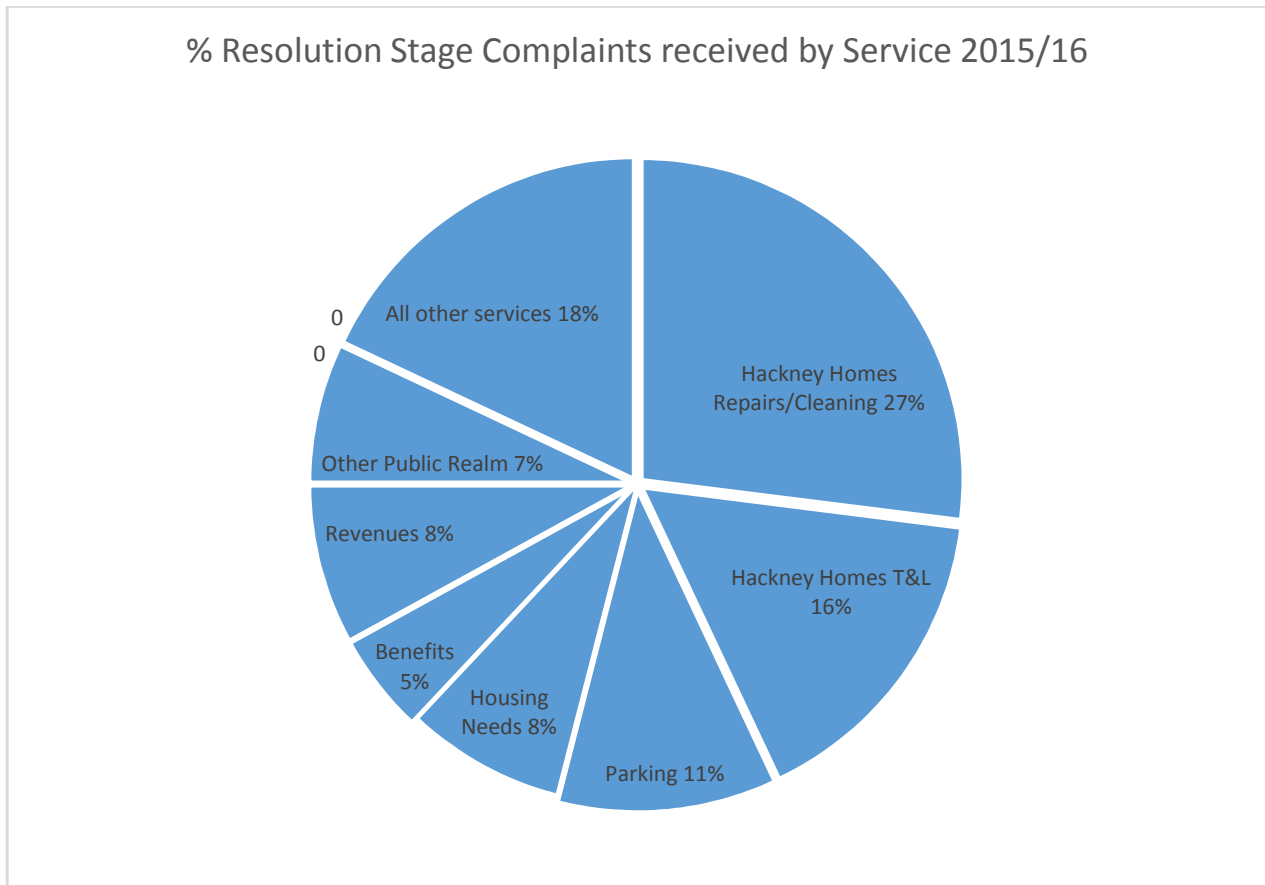
Average Complaints Response Times	2012/13	2013/14	2014/15	2015/16
Stage One/Resolution Complaints	14 working days	14 working days	20 working days	21 working days
Stage Three/ Review Complaints	18 working days	18 working days	19 working days	20 working days

- 3.2 Despite volumes of Resolution (stage 1) complaints reducing by 10% in 2015/16 compared to the previous year, there has been a slight increase in the average time taken to respond. The focus has shifted in recent times from rigid deadlines for response to measuring average time taken as issues and resolution are addressed and not just a response. However with an ambition to resolve resolution stage complaints within an average of 15 working days, 21 days is a cause for concern. With Hackney Homes having received 46% of Resolution stage complaints and their average response time being 27 days in the last year this is clearly the area having most impact. The overall Council Resolution figure, excluding Hackney Homes, was 16 days.

3.3 There has been a reduction of a third in the number of Review complaints when compared to 2014/15 with the distribution across the directorates remaining broadly similar with Hackney Homes generating 72 (55%), Finance & Resources 22 (17%) and Health & Community Services 24 (18%).

Types of Complaints

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



3.5 A breakdown of Resolution stage complaints by 'complaint type', where identified, shows that people are complaining about service failure (57%), case management (14%), staff behaviour (14%), disagreement with policy/decision (7%) and 'other' (8%).

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

Ombudsman Complaints

3.7 Following conclusion of the Council's process a 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 complaint (including Registered

Providers) can ask a Designated Person (Cllr Glanville for Hackney in 2015/16 and now Cllr McKenzie) to decide whether they can help in reaching resolution of the issue without the need for the Housing Ombudsman to be involved.

- 3.8 The LGO has published their Annual Report for 2015/16 and report that they undertook 23 formal investigations in Hackney last year of which 12 (52%) were upheld. This is an increase on 22 cases in 2014/15 of which 55% were upheld and a reduction from the 37 investigations in 2013/14 when 84% were upheld.
- 3.9 There were 20 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. The Designated Person allowed 10 cases to move straight to Housing Ombudsman as there was no more he could add to resolution already offered. He intervened in the remaining 10 cases on a range of remedial actions and increase in compensation but this has not necessarily prevented the complaint from escalating to the Housing Ombudsman.
- 3.10 The Housing Ombudsman do not publish an annual letter or report but our data shows that we had 17 formal investigations by them in 2015/16. Despite the Housing Ombudsman currently taking between 12 and 14 months to determine cases they formally take on, all cases referred in 2015/16 have been determined. Of the 17 complaints, 2 (12%) found maladministration, 3 (18%) found service failure and 12 (70%) found no maladministration at all.

Members' Enquiries

- 3.11 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.
- 3.12 Time taken to respond to Members Enquiries continues to rise and now stands at 15 days which is a significant increase. With Hackney Homes receiving 37% of all Members Enquiries and their average response time jumping from 17 to 21 days in the last year this is clearly the area having most impact.
- 3.13 A breakdown of Members Enquiries by type shows that the majority are used to raise service requests (71%), information requests (14%) or complaints (7%) on behalf of residents with other or not stated (8%).

Members Enquiries	2012/13	2013/14	2014/15	2015/16
Members Enquiries Received	1,848	1,828	1,993	1,632
Average time taken to respond	8.5 working days	10 working days	13 working days	15 working days

Mayor's and Cabinet Members Enquiries

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

Mayor's & Cabinet Members Enquiries	2012/13	2013/14	2014/15	2015/16
Enquiries received (inc referrals)	2,479	2,076	1,597	1,614
Average time taken to respond	9.7 working days	11.2 working days	18.6 working days	13.9 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.

3.15 Responses from the Mayor and Cabinet are subject to extensive quality assurance by the Mayor's Office and the Mayor or relevant Cabinet member before the response is sent, and drafts are 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.

3.16 As shown in the table above, the volume of Mayor and Cabinet enquiries has been consistent in the last two years, having fallen by 23% between 2013/14 and 2014/15. The average response time in 2015/16 was an improvement of 4.7 days over 2014/15, although still longer than 2013/14.

3.17 The Mayor's Office casework function faced a number of challenges within the 2014/15 reporting year, including a number of staffing changes and problems arising from the move to the Myoffice system. 2014/15 performance suffered significantly as a result of these challenges. The new casework staff have now bedded in and this helped deliver the 4.7 day improvement shown above. As with Resolution stage complaints and Member's Enquiries, however, the response times are slower than they have been historically; this is likely to be due to reduced capacity across the Council to deal with enquiries.

Adult Social Care Statutory Complaints

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

Adult Social Care Local Resolution	2012/13	2013/14	2014/15	2015/16
Numbers Received	139	93	118	96
Average time taken to respond	18 working days	17 working days	19.5 working days	33.2 working days

- 3.19 The substantial rise in the time taken to resolve ASC complaints in 2015/6 was due to a focus on closing some older cases that had been open for some time. The majority of the 2015/16 complaints fell under the following categories: -
- Quality of care service provided (32)
 - Dissatisfaction with Assessment and Care Provision/packages (20)
 - Blue Badge /Freedom Pass assessments including service users contesting results (10)
 - Charges and payments (9)
 - Customer care and advice (9)
 - Outcome of Occupational Therapy assessment, home adaptation, etc (6)
- 3.20 Of the 96 cases all bar one were concluded at local Resolution stage with just the one case requiring 'Formal Investigation'.

Children's Social Care Complaints

- 3.21 Complaints related to Children's Social Care are handled separately under a statutory process. The number of Stage 1 Children's Social Care complaints has fallen again in 2015/16.

Children's Social Care Complaints	2012/13	2013/14	2014/15	2015/16
Stage 1 – Local Resolution	50	43	*41	37
Stage 2 – Investigation	7	7	5	8
Stage 3 – Review Panel	3	6	2	2

*note that this was incorrectly reported as 34 last year due to counting cases received in the period as opposed to cases closed as it should be

- 3.22 In relation to the nature of complaints, 46 % relate to 'difficulties *with communication*' which remains the most prevalent category. This is partly because the category has large scope, covering issues such as parents dissatisfied with the accuracy of assessments, the behaviour of practitioners and timeliness or quality of contact from the unit.
- 3.23 The increase in the volume of Stage 2 complaints relates to those at stage 1 where communication makes up 50% of the volume.

Appendix 2

Complaints and Enquiries Annual Report 2015/2016 – update position at 30 September 2016

1. Introduction

1.1 This note provides an update on complaint and enquiries data for the first six months of 2016/17.

2. Complaints and Enquiries Data Analysis

2.1 The following table shows that volumes of complaints and enquiries received so far this year and average response times. The number of complaints at both Resolution and Review stages are, despite falls in 2015/16, suggesting increases in 2016/17. As a comparison, the first 6 months of 2015 saw 1320 resolution stage complaints compared to 1692 this year and for Review cases there were 59 compared to 73.

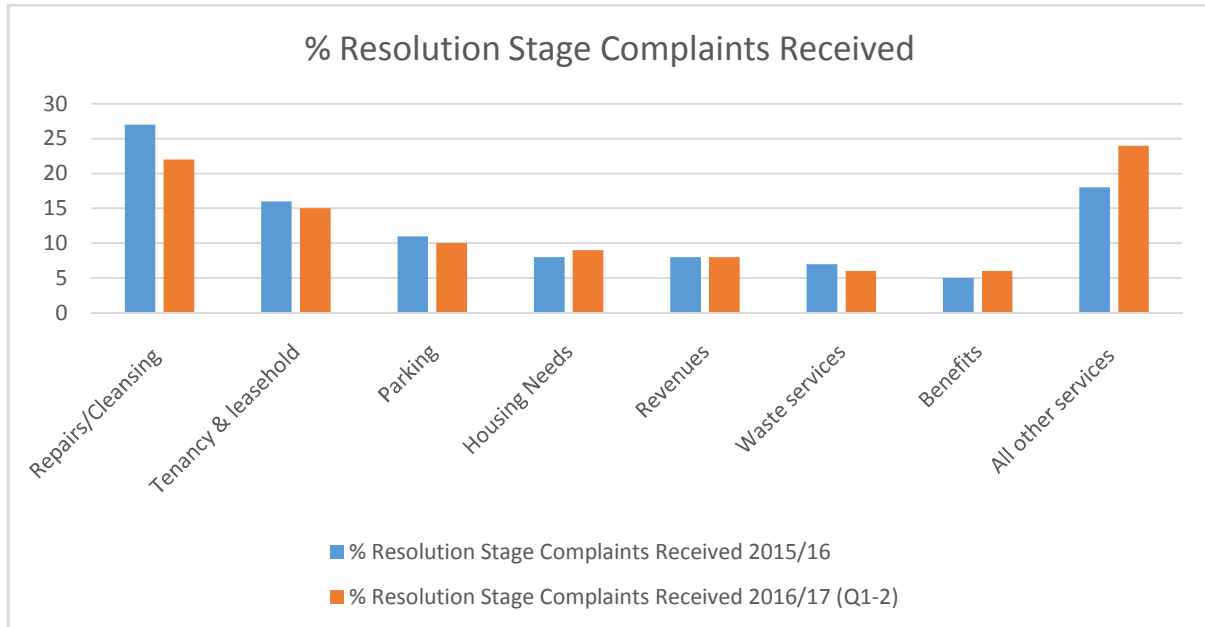
Volume of Complaints and Enquiries	2013/14*	2014/15	2015/16	Q1-2 2016/17
Stage One / Resolution	2,951	2,964	2683	1692?
Stage Two	226	N/A	N/A	N/A
Review (formerly stage three)	202	196	132	73
Members Enquiries	1,828	1,993	1,632	847
Mayor's Office Enquiries	2,076	1,597	1,614	886

* stage 2 removed in October 2013

Average Complaints Response Times	2013/14	2014/15	2015/16	Q1-2 2016/17
Stage One/Resolution Complaints	14 working days	20 working days	21 working days	19 working days
Stage Three/ Review Complaints	18 working days	19 working days	20 working days	21 working days

Types of Complaints

2.2 The chart below sets out a breakdown of the service areas in the Council that received the highest volumes of Resolution stage complaints in the first six months of 2016/17 compared to 2015/16 figures.



2.3 There has been a slight increase in the number of Review complaints compared to last year with the distribution now primarily across two directorates with Neighbourhoods & Housing generating 51 (65%) and Finance & Resources 22 (28%)

Ombudsman Complaints and Designated Person Requests

2.4 Following conclusion of the Council's process any complainant can approach one of two Ombudsmen 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 complain (including Registered Providers) can ask a Designated Person (Cllr McKenzie for Hackney) to decide whether they can help in reaching resolution of the issue without the need for the Housing Ombudsman to be involved.

2.5 Volumes of Ombudsman and Designated Person cases are set out below

	LGO Formal Investigations	HOS Formal Investigations	Designated Person requests
2014/15	22	10	9
2015/16	23	15	20
2016/17 (Q1-2)	15	8	6

These figures show that the volume of complaints made to the LGO so far this year are potentially significantly higher with HOS cases relatively static. The Council continue to positively promote the Ombudsman service which reflects the confidence we have in the outcomes of our complaints, particularly at Review stage. There is no trend to highlight that can explain higher numbers than last year as it is very much up to the complainant to decide if they escalate or not and these figures do fluctuate.

Requests for the assistance of our Designated Person (DP) in Housing related complaints are potentially substantially lower than last year.

Members' Enquiries

2.6 Members' Enquiries consist of a mixture of complaints, requests for service for residents and requests for information. 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.

2.7 Volumes of Members Enquiries are set out below.

Members Enquiries	2013/14	2014/15	2015/16	Q1-2 2016/17
Members Enquiries Received	1,828	1,993	1,632	847
Average time taken to respond	10 working days	13 working days	15 working days	16 working days

Mayor's and Cabinet Members Enquiries

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

Mayor's & Cabinet Members Enquiries (inc. Referrals)	2013/14	2014/15	2015/16	Q1-2 2016/17
Enquiries Received (inc. referrals)	2,076	1,597	1,614	886
Average time taken to respond	11.2 working days	18.6 working days	13.9 working days	15.3 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.

2.9 Of the total 886 cases received so far this year, Mayor’s Enquiries total 686 and Cabinet Enquiries total 200.

2.10 Q1 and Q2 of 2016/17 represent a 6.2% rise in Mayor and Cabinet casework volumes on the same quarters of 2015/16. Response times have slowed slightly, in large part due to ongoing staff change and restructure across the Council leading to different or new officers feeding into the casework responses across many service areas. Measures have been taken to address this, including meeting with incoming officers, providing informal training and feedback and attending meetings with newly formed teams.

2.11 In addition, Q2 saw the resignation of the previous Mayor and the election of Philip Glanville as Hackney’s second directly elected Mayor, followed by the appointment of a new Cabinet. This had some impact on casework volumes and response times during the transitional period.

Adult Social Care Statutory Complaints

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

Adult Social Care Local Resolution	2013/14	2014/15	2015/16	Q1-2 2016/17
Numbers Received	93	118	96	57
Average time taken to respond	17 working days	19.5 working days	33.2 working days	41.4 working days

Children’s Social Care Complaints

2.13 Complaints related to Children’s Social Care are handled separately under a statutory process. The number of Stage 1 Children’s Social Care complaints have increased to 24 in the first 6 months of 2016/17 compared to 37 received in the whole of 2015/16.

Children’s Social Care Complaints	2013/14	2014/15	2015/16	Q1-2 2016/17
Stage 1 – Local Resolution	43	41	37	24
Stage 2 – Investigation	7	5	8	2
Stage 3 – Review Panel	6	2	2	1

Quality Assessment process

2.14 Quarterly Quality assessments have continued into 2016/17 with only the Q1 exercise completed to date. The combined results across the 4 service areas assessed are set out in the chart below and show a drop in scores across all themes due in the main to the inclusion of Building Maintenance who score very low across the board.

