

INTRODUCTION

1.1 This report provides headline data related to complaints and enquiries to the Council during 2016/17.

2. RECOMMENDATION(S)

2.1 The Scrutiny Panel is recommended to: -

1. note the trends and related commentary with regards to complaints and enquiries managed during 2016/17

3. BACKGROUND

3.1 This report is in accordance with the Scrutiny Panel's remit in monitoring the Complaints and Enquiries process.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE 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 2016/17

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 |
|-------------------------|----------|------|
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Appendix 1

Complaints and Enquiries Annual Report 2016-17

1. Introduction

- 1.1 This report provides an overview of the Complaints & Enquiries process and a focus on volume received and performance in managing and learning from them.

2. Volumes and Performance

- 2.1 Further detail on volumes of complaints and enquiries received in 2016/17, the way they are managed and the intelligence they provide are set out in this report. In summary, 2016/17 saw a 13% increase (3,005 up from 2,649 in 2015/16) in the number of complaints made compared to the previous year.
- 2.2 The 13% rise in the volume of resolution stage (first stage) complaints in 2016/17 takes numbers to a four year high. Paras 3.1 to 3.4 below sets out which services the increase is coming from and some of the contributing factors and themes. The volume of Reviews (second stage) remains at a comparatively low rate, bringing the escalation rate down and may reflect improvements in resolving complainant's issues at the first stage. In addition there is a more effective outcome focussed triage process when Reviews are requested which has helped reduce volumes and enabled greater focus on the cases where our help is most needed. The number of Members Enquiries is slightly up on 2015/16 levels. Volumes of complaints have also risen across Adult Social Care (32%) and Children's Act (32%). There has been a 10% increase in Mayor's Office Enquiries.
- 2.3 Escalation rates, an indicator of successful resolution at the earliest opportunity, continue to fall. Escalation rates from the Resolution stage to Review have dropped again to just 3.9% (down from 4.9% in 2015/16). The number of Reviews escalating to become formal investigations by both the Local Government Ombudsman and the Housing Ombudsman, at 45, is slightly higher than the 40 in the previous year and equates to around 35% of cases exhausting the Council's complaints process.
- 2.4 Of the 45 formal Ombudsman investigations, 26 (58%) were upheld, up from 42% last year. It should also be noted that upheld can (and often does) 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 (2016/2017)

- 3.1 The number of complaints received by the Council showed a marked (13%) increase compared to the previous year. The number of Members Enquiries were broadly the same and Mayor's Enquiries volumes rose by 10%.
- 3.2 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 273,000 living in 112,569 households. Relevant to the areas with the highest volume of complaints we are the landlord for 21,700 homes and have an additional 9,300 leaseholders, have more than 41,000 residents claiming in excess of £300m of benefits, with 200,000 changes in circumstances assessed per annum and more than 139,000 visitors to the Hackney Service Centre asking for assistance on a wide range of services.

| | 2012/13 | 2013/14* | 2014/15 | 2015/16 | 2016/17 |
|--------------------------------------|---------|----------|---------|---------|---------|
| Stage One / Resolution | 3,078 | 2,951 | 2,964 | 2,649 | 3,005 |
| Stage Two | 436 | 226 | N/A | N/A | N/A |
| Review (formerly stage three) | 151 | 202 | 196 | 132 | 130 |
| Members Enquiries | 1,460 | 1,828 | 1,993 | 1,632 | 1,676 |
| Mayor's Office Enquiries | 2,479 | 2,076 | 1,597 | 1,614 | 1,775 |

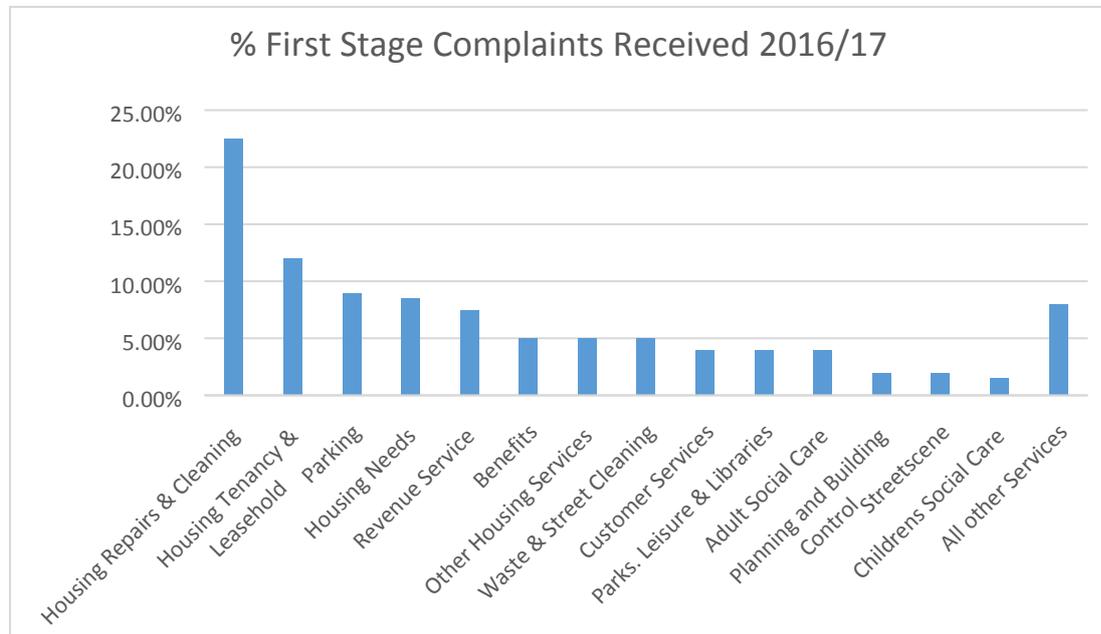
* change to process in October 2013 removed stage 2

| Average Complaints Response Times | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
|--|-----------------|-------------------|-------------------|-------------------|-------------------|
| Stage One/Resolution Complaints | 14 working days | 14.1 working days | 20.3 working days | 21.2 working days | 20.6 working days |
| Stage Three/Review Complaints | 18 working days | 17.9 working days | 19.2 working days | 20 working days | 19.5 working days |

- 3.3 Whilst volumes of Resolution (stage 1) complaints increased by 13% in 2016/17 compared to the previous year, there was a slight decrease of 0.6 days in the average time taken to respond. We do not set a rigid response standard, but do aim to respond on average within 15 working days, recognising some cases are more complex and will take longer to resolve.
- 3.4 There were 130 Reviews in 2016/17, similar to the number in 2015/16 with the majority distributed across the following services – Benefits/Housing Needs 33 (25%), Housing Tenancy & Leasehold 30 (23%), Housing Building Maintenance 18 (14%) and Parking 13 (10%).

3.5 Types of Complaints

3.6 The chart below sets out the service areas in the Council that receive the highest volumes of first stage complaints. The chart is based on 3446 complaints.



3.7 There have been notable increases in the numbers of complaints received within the following services:

- Housing Needs up 74 (32%)
- Environmental Operations up 65 (65%)
- Housing Repairs/Cleansing up 62 (9%)
- Revenues up 50 (25%)
- Adult Social Care up 31 (32%)
- Customer & Corporate Services up 36 (35%)
- Benefits up 33 (23%)
- Parks & Leisure up 31 (63%)
- Streetscene up 26 (68%)
- Parking up 25 (9%)
- Libraries, Heritage & Culture up 23 (79%)
- Children's Social Care up 12 (32%)

3.8 Further analysis of the causes in these rises shows they are in the main driven either by i) demand for limited assistance, provision or resources ii) resistance against decisions taken by the Council or iii) perceived service failings.

3.9 Complaints driven by demand for limited assistance, provision or resources relate primarily to disagreements or dissatisfaction with decisions made in relation to housing need and access to the limited amount of assistance and provision available. Although some complaints do find fault against the services there is good evidence to suggest that the complaints process is being used by complainants to

register their disagreement with decisions that have been made in an attempt to have those decisions changed or undermined. Anecdotal evidence also suggests that peripheral complaints alleging staff misconduct or minor process issues are used to enable further engagement over a wider decision that may have been made for example on parking fines or unhappiness with decision around parking zones and traffic schemes.

3.10 A number of services deal with making payments to or retrieving monies from customers. These areas are seeing increases in the number of complaints due to legitimate decisions made and action taken but the result of which is understandably difficult for the customer to accept and who therefore attempt to resist against decisions. The collection of Council Tax and resulting action taken to secure payments are often complained about. Similarly retrieving payment for fines and other services where recovery action for example may be required lead to complaints aimed more at a reversal of that decision than issues on the periphery. In relation to the Benefits service, there are obviously lots of people in need but limitations to the assistance that is allowed which leads to complaints made with the intention of securing a review of decisions made even where a formal appeal process for example exists.

3.11 Complaints driven by service failure have also increased this year with issues in relation to housing repairs up 9% for example. What is of more interest is the rise in complaints against services that do normally generate high volumes. Public Realm services such as Environmental Operations, Parks, Libraries and Streetscene have seen comparatively significant increases in complaints with a noticeable split between operational delivery issues and staff behaviour or conduct issues. Whilst increases do appear high in percentage terms and relate to genuine issues raised by complainants they should be considered in context i.e. the number of household waste collections made or visitors to libraries and parks.

3.12 A breakdown of all Resolution stage complaints by 'complaint type', where identified, shows that people are complaining about service failure (38%), case management (6%), staff behaviour (6%), disagreement with policy/decision (11%) and delays/missed appointments (10%).

Ombudsman Complaints

3.13 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 & Social Care Ombudsman (LG&SCO) or the Housing Ombudsman Service (HOS). In addition, those making a landlord related complaint can ask a Designated Person, Cllr McKenzie in our case, to decide whether he can help in reaching resolution of the issue without the need for the Housing Ombudsman to be involved.

3.14 The LG&SCO has published their Annual Report for 2016/17 and report that they undertook 28 formal investigations in Hackney last year of which 17 (61%) were upheld. This is an increase on the 23 cases in 2015/16 of which 52% were upheld. The 17 upheld cases were in Adult Care (5), Housing (4), Education & Children (3), Highways & Transport (2), Benefits & Tax (2) and Planning & Development (1).

3.15 In addition it should be noted that one 'Report' was issued against the Council by the LG&SCO in 2016/17 relating to an Adult Social Care case regarding our failure to undertake a client's review leading to provision being arranged by the family for which we were found financially liable. This follows one 'Report' regarding Planning Enforcement in 2015/16, which was the first the Council had received since 2007. 'Reports' are available from Business Analysis & Complaints Team.

3.16 There were 9 housing related cases where the complainant formally asked for Designated Person assistance in resolving matters following the conclusion of the Council's formal complaints process. This is a reduction on the 20 cases in 2015/16. The Designated Person passed 6 cases straight to the Housing Ombudsman as there was no more he could add to resolution already offered. He intervened in 2 cases resulting in increased compensation being offered. One complainant went on to the Housing Ombudsman before the Designated Person could make a decision.

3.17 The Housing Ombudsman do not publish an annual letter or report but records show that we had 17 formal investigations by them in 2016/17 which is the same as in 2015/16. 16 of the 17 cases investigated have been determined. Of the 16 complaints, 6 found maladministration, 3 found service failure and 7 found no maladministration. The 6 cases finding maladministration is an increase on the 2 cases in 2015/16. The 6 maladministration cases relate to repairs (4), ASB (1), rent arrears/eviction (1). As stated earlier, it should be noted that findings against the Council can (and often does) also mean 100% agreement with what was determined at earlier stages of the complaints process and does not necessarily mean finding new or different fault. Maladministration is not the same as a formal 'Report' and indicates for example a failure to comply with legislation, codes of practice or our own procedures or for unreasonable delay, behaving unfairly or treating the complainant inappropriately.

Members' Enquiries

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

3.19 Time taken to respond to Members Enquiries was 15.5 days in 2016/17.

3.20 A breakdown of Members Enquiries by type where identified shows that the majority are used to raise service requests (82%), information requests (14%) and complaints (4%).

| Members Enquiries | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
|-------------------------------|------------------|-----------------|-----------------|-----------------|-------------------|
| Members Enquiries Received | 1,848 | 1,828 | 1,993 | 1,632 | 1,676 |
| Average time taken to respond | 8.5 working days | 10 working days | 13 working days | 15 working days | 15.5 working days |

Mayor's and Cabinet Members Enquiries

3.21 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 | 2016/17 |
|--|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Enquiries received (inc referrals) | 2,479 | 2,076 | 1,597 | 1,614 | 1,775 |
| Average time taken to respond | 9.7 working days | 11.2 working days | 18.6 working days | 13.9 working days | 19.9 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.

3.22 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 response times.

3.23 As shown in the table above, the volume of Mayor and Cabinet enquiries has increased by 10% in 2016/17 to 1,775 cases. The average response time has increased to 19.9 days.

3.24 There have been a number of changes in 2016/17 that have had an impact on the Mayor and Cabinet enquiry process and timelines, not least a change of Mayor and Cabinet in September 2016. This has led to an even greater focus on resolving issues before response and ensuring a comprehensive and personal reply, which has had some impact on response times. The response times across the year are in still line with resolution (stage 1) complaints, but with average response times increasing across the year this is an area for improvement in 2017/18.

Adult Social Care Statutory Complaints

3.25 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 | 2016/17 |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| Numbers Received | 139 | 93 | 118 | 96 | 127 |
| Average time taken to respond | 18 working days | 17 working days | 20 working days | 33 working days | 21 working days |

3.26 There has been a 32% increase in the volume of ASC cases compared to 2015/16. Despite this increase in volume, the average time taken to respond has fallen considerably this year.

3.27 The majority of the 2016/17 complaints fell under the following categories: -

- Quality of care service provided - 31% (33% in 2015/16)
- Dissatisfaction with assessment & care provision/packages - 25% (21% in 2015/16)
- Charges and payments - 17% (9% in 2015/16)
- Blue Badge /Freedom Pass assessments including service users contesting results - 4% (10% in 2015/16)
- Customer care and advice - 6% (9% in 2015/16)
- Outcome of occupational therapy assessment, home adaptation, etc - 6% (6% in 2015/16)

3.28 All 127 cases were concluded at local Resolution and in the same period, 2016/17, 11 complaints went on to the LG&SCO.

Children's Social Care Complaints

3.29 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 risen by 32% in 2016/17.

| Children's Social Care Complaints | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
|--|----------------|----------------|----------------|----------------|----------------|
| Stage 1 – Local Resolution | 50 | 43 | 41 | 37 | 49 |
| Stage 2 – Investigation | 7 | 7 | 5 | 8 | 9 |
| Stage 3 – Review Panel | 3 | 6 | 2 | 2 | 1 |

3.30 In relation to the nature of complaints, 61% relate to 'difficulties *with communication*' which remains the principal area of complaint, up from 46% in 2015/16. This is being addressed by the service through work to support practitioners in their use of language in assessments and reports, emphasising:

- Fact-checking, particularly information relating to families as presented in assessments
- Promoting proof reading of documents for grammar and spelling errors
- Developing guidance for service users and families on how information is shared between agencies and how it contributes to, and is used in, assessments. This will be undertaken through work on the CFS Information Sharing Protocol
- Clarity of the reasons for assessment being undertaken
- Clear recording of the views of children, young people and families within assessments

4. Improvement work and quality assessment

- 4.1 The focus on resolving complaints and improving the way they are dealt with is evidenced through quality assessment sampling of between 15-20% of Resolution stage investigations conducted by the higher complaint generating areas of Benefits & Housing Needs, Tenancy & Leasehold Services (Housing Services), Building Maintenance (Housing Services) and Parking. Results have shown an improving trend across all measures over the last three years however there has been some decline this year particularly in relation to the quality of written responses.
- 4.2 Quality assessments measure against set standards covering the five key components; record keeping, response, resolution, investigation and timeliness. The QA process is a tool used to drive improvement rather than an ultimate, refined and subjective measure. The outcome of the assessments are reported to 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.
- 4.3 Reports are presented to relevant management teams setting out scope, findings, conclusions and most importantly suggested recommendations and service improvements. These quality assessments have in the round shown an upward trend in scores due to services taking better approaches i.e. more scrutiny of responses, 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.
- 4.4 The chart below shows combined results across all Council services assessed over the last ten quarters going back to Q3 2014/15 focusing on the percentage of standard met in 6/17. Results show the % of sampled cases meeting the desired quality standard in relation to response and resolution.

