

INTRODUCTION

1.1 This report provides headline data related to complaints and enquiries to the Council during 2017/18.

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 2017/18
2. note additional information requested by Members at the Scrutiny Panel on 11 December 2017, namely;
 - i. benchmarking data from neighbouring boroughs on reports from the Local Government Ombudsman's Service to see how Hackney compares to neighbouring boroughs (see 3.14)
 - ii. illustrative examples of how complaints data has been used as a diagnostic tool by services (see 4.1-4.5)

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 & 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 2017/18

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 2017-18

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 2017/18, the way they are managed and the intelligence they provide are set out in this report. In summary, 2017/18 saw the number of complaints remain broadly at last year's levels.
- 2.2 Although the top level number of complaints has remained relatively static, there are some variances within services that have seen some having a significant increase in numbers whilst others a significant fall - para 3.7 below sets out which services. The volume of Reviews (second stage) has risen by 15% this year, which may reflect a growing inability to resolve complainant's issues at the first stage or a growing determination to take complaints all the way. There has been a 12% increase in the number of Members Enquiries compared to 2016/17 levels. In the two areas with statutory complaints procedures, volumes of complaints have fallen by 12% in Adult Social Care but increased by 37% in Children's Social Care. There has been a 7% increase in Mayor & Cabinet Enquiries.
- 2.3 Escalation rates from the Resolution stage to Review have increased to 5.2% (up from 3.9% in 2016/17). The number of Reviews escalating to become formal investigations by either the Local Government Ombudsman or the Housing Ombudsman, at 38, is lower than the 45 in the previous year and equates to around 25% (35% in 2016/17) of cases exhausting the Council's complaints process.
- 2.4 Of the 38 formal Ombudsman investigations, 28 (74%) were upheld, up from 58% last year. It should also be noted that findings against the Council (upheld) can and often does also mean agreement with what was determined by the Council at earlier stages of the complaints process and does not necessarily mean finding new or different fault.

3. Complaints and Enquiries Data Analysis (2017/2018)

- 3.1 The number of complaints received by the Council in 2017/18 is in line with the previous year with the 13% increase in the number of complaints received by the Council in 2016/17 reflecting that the volume in 2015/16 was out of the norm with a much lower level than the other years reported below. The number of Members Enquiries increased by 12% in 2017/18 and Mayor & Cabinet Enquiry volumes rose by 7%.
- 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/nature of those transactions. Hackney has a population of 275,929 living in 113,952 households. Relevant to the areas with the highest volume of complaints we are the landlord for 21,778 homes and have an additional 9,437 leaseholders/freeholders, have more than 41,000 residents claiming in excess of £304m of benefits, with 176,000 changes in circumstances assessed per annum, have more than 133,115 visitors to the Hackney Service Centre asking for assistance on a wide range of services and issue more than 118,000 parking penalty charge notices.

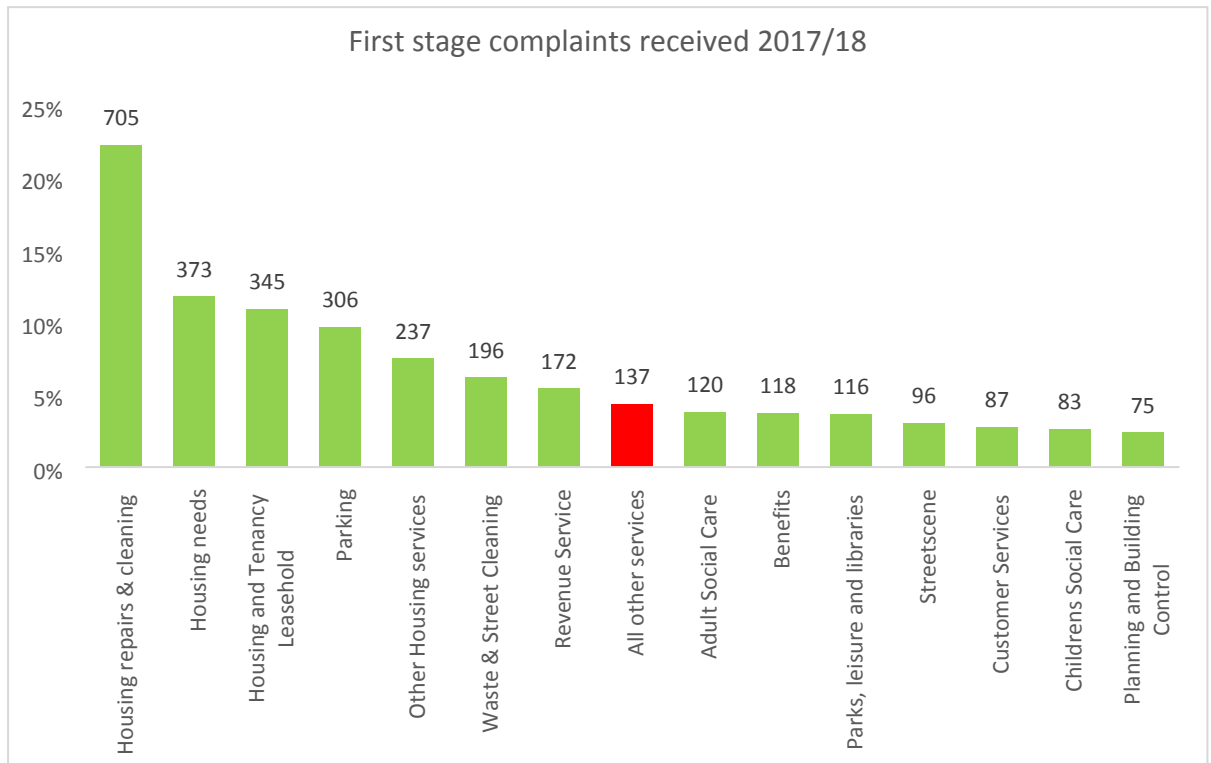
Type	2013/14	2014/15	2015/16	2016/17	2017/18
Resolution Stage	2,951	2,964	2,649	3,005	2,967
Review Stage	202	196	132	130	153
Members Enquiries	1,828	1,993	1,632	1,676	1,908
Mayor & Cabinet Enquiries	2,076	1,597	1,614	1,775	1,900

Average Response Times	2013/14	2014/15	2015/16	2016/17	2017/18
Resolution Stage Complaints	14.1 working days	20.3 working days	21.2 working days	20.6 working days	17.7 working days
Review Stage Complaints	17.9 working days	19.2 working days	20 working days	19.5 working days	18.9 working days

- 3.3 Whilst volumes of Resolution (stage 1) complaints are at a comparable level to 2016/17, there was a reduction of 2.9 days (reducing times to their lowest since 2013/14) 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 153 Reviews in 2017/18, an 18% increase compared to the year before with the majority distributed across the following services – Housing Building Maintenance 35 (23%), Benefits/Housing Needs 28 (18%), Housing Tenancy & Leasehold 23 (15%) and Parking 22 (14%).

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 and is based on 3166 complaints.



3.7 Although the volume of complaints in 2017/18 is broadly similar to that in 2016/17 there have been some notable changes in some services;

Less complaints:

- Customer & Corporate Services – down 36% (137 to 87)
- Revenues – down 33% (258 to 172)
- Benefits – down 31% (172 to 118)
- Housing Tenancy & Leasehold – down 17% (414 to 345)

More complaints:

- Streetscene - up 28% (69 to 96)
- Other Housing Services – up 27% (172 to 237)
- Housing Needs - up 22% (292 to 373)

3.8 There has been a reversal in the upward trend in volumes of complaints relating to Benefits and Revenues although the volume relating to complaints against Housing Needs continues to increase reflecting the pressures on housing in the borough. The volume of complaints, particularly across Public Realm services, are however being inflated due to the allowance of what should be considered 'service requests' into the complaints process. Action to address this issue will be taken during the year to ensure only genuine complaints are being recorded.

3.9 Complaints driven by service failure have also increased this year with issues in relation to other housing services up 27% and Streetscene complaints increasing significantly in percentage terms for the second year running.

3.10 A breakdown of all Resolution stage complaints by 'complaint type', where identified, shows that people are complaining about service failure (31%), delays/missed appointments (15%), disagreement with policy/decision (13%), staff behaviour (12%) and case management (9%).

Ombudsman Complaints

3.11 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.

3.12 The LG&SCO has published their Annual Report for 2017/18 and report that they undertook 27 formal investigations in Hackney last year of which 20 (74%) were upheld. The rate of upheld cases has risen from 52% in 2015/16 and 61% in 2016/17. The number of investigations has fallen from 28 last year and of the 20 upheld cases Adult Social Care (2, down from 5), Housing (8, up from 4), Education & Children (6, up from 3), Highways & Transport (2, same), Benefits & Tax (1, down from 2) and Planning & Development (1, same).

3.13 In addition it should be noted that the Council have been advised that two 'Reports' relating to investigations in 2017/18 will be issued against the Council by the LG&SCO although final documentation is awaited. Both 'Reports' relate to Education, Health & Care Plan (EHCP) provision in Hackney Learning Trust. This follows one report regarding Adult Social Care in 2016/17 and one regarding Planning Enforcement in 2015/16, which was the first the Council had received since 2007.

3.14 At the Scrutiny Panel held on 11 December 2017 Members requested additional benchmarking data from neighbouring boroughs on reports from the Local Government & Social Care Ombudsman's Service to see how Hackney compares. The table below sets out data for 2017/18.

	Decision Reports received	Not Upheld	Upheld	Upheld rate	Public Reports Published
Hackney	27	7	20	74%	1
Haringey	43	19	24	56%	1
Islington	16	5	11	69%	0
Newham	51	16	35	69%	0
Tower Hamlets	29	12	17	59%	0
Waltham Forest	38	14	24	63%	0

3.15 There were 15 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 an increase on the 9 cases in 2016/17. The Designated Person determined that there was no more he could add to resolution already offered on 13 cases therefor allowing the complainant to approach the Housing Ombudsman if they wished to, although not all did. He intervened in the remaining 2 cases resulting in increased compensation being offered in one and a fresh offer of compensation in the other.

3.16 The Housing Ombudsman do not publish an annual letter or report but records show that we had 11 formal investigations by them in 2017/18 which is a reduction on the 17 in both the previous years. 10 of the 11 cases investigated have been determined. Of the 10 complaints decisions, 2 found maladministration, 6 found service failure and 3 found no maladministration (there are 11 decisions as one complaint had two elements). The 2 cases finding maladministration is a reduction on the 6 cases in 2016/17. The 2 maladministration cases relate to i) delays in decision making regarding succession and discretionary offer; ii) failure of the voids process.

It should be noted that findings against the Council can (and often does) also mean 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

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

3.18 Time taken to respond to Members Enquiries was 15.5 days in 2017/18, the same as the previous year.

3.19 A breakdown of Members Enquiries by type where identified shows that they are used to raise service requests (70%), information requests (15%), complaints (7%) and other requests (8%).

Members Enquiries	2013/14	2014/15	2015/16	2016/17	2017/18
Members Enquiries Received	1,828	1,993	1,632	1,676	1,908
Average time taken to respond	10 working days	13 working days	15 working days	15.5 working days	15.5 working days

There has been a 12% increase in Members Enquiries compared to 2016/17 which could be explained by an increase in activity during the lead up to local elections in May 2018 mirroring a similar increase in the lead up to those in May 2014.

Mayor and Cabinet Member Enquiries

3.20 Each Mayor and Cabinet Member'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	2013/14	2014/15	2015/16	2016/17	2017/18
Enquiries received (inc referrals)	2,076	1,597	1,614	1,775	1,900
Average time taken to respond	11.2 working days	18.6 working days	13.9 working days	19.9 working days	26.8 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.

3.21 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.

3.22 As shown in the table above, the volume of Mayor and Cabinet enquiries has increased by 7% in 2017/18 to 1,900 cases. The average response time has increased to 26.8 days.

3.23 Further to the changes that took place in 2016/17, including a new Mayor and Cabinet, the year 2017/18 saw a mild increase in volumes which have had a further impact on the Mayor and Cabinet enquiry process and timelines. While there has been a growing focus on referring residents directly to service areas negating a larger increase in overall volumes, and measures put in place to manage telephone calls, this has not successfully deflected a significant increase in response times. This is clearly unfortunate and due in part to capacity restrictions within the Mayor's Office team, the increasing complexity of cases that are being raised with the Mayor and Cabinet, and demands on the Mayor and cabinet members' availability to sign-off responses. More than ever, the priority for Mayor and Cabinet cases is on resolving issues before response and ensuring a comprehensive and personal reply, and whilst this has meant that the quality of responses sent by the Mayor and Cabinet are consistently high, this has had an impact on response times.

3.24 While this is clearly disappointing, it is envisaged that a review of the Mayor's Office currently underway will provide additional resource to the casework function and, in providing overall a support structure better suited to the needs of the current Mayor and Cabinet, help to streamline and formalise processes and reduce response times.

Adult Social Care Statutory Complaints

3.25 The table below shows the figures related to complaints covered by the statutory Adult Social Care (ASC) process. The number of complaints reported on page 5 include all ASC complaints made about the service whereas the figures below exclude those responded to through other processes e.g. safeguarding.

Complaints	2013/14	2014/15	2015/16	2016/17	2017/18
Numbers Received	93	118	96	127	95
Average time taken to respond	17 working days	20 working days	33 working days	21 working days	28 working days

3.26 There has been a 25% decrease in the volume of ASC cases compared to 2016/17. ASC have increased their focus on resolving issues immediately where possible which may have had some contribution to this decrease. The average time taken to respond to complaints has increased. In addition, there are five complaints from 2017/18 which remain open to ASC and are being progressed. There is no time limit for responding to ASC complaints with timeframes for responding negotiated with the individual making the complaint.

3.27 The complaints received in 2017/18 were raised in relation to:

- The outcome of an assessment or the care package implemented (26%)
- Communication (20%)
- The standard of care delivered (18%)
- A request for services (15%)
- Delays (7%)
- Concerns about ASC processes (7%)
- The standard of service delivered (non-care provision) (6%)

3.28 All 90 closed cases were concluded at Local Resolution and in the same period, 2017/18, 4 cases were escalated to the LG&SCO although one was not pursued.

Children's Social Care Complaints

3.29 Complaints related to Children's Social Care are handled separately under a statutory process. The number of complaints reported on page 5 include all Children's Act complaints made about the service whereas the figures below exclude pre-stage complaints. The number of Stage 1 Children's Social Care complaints has decreased by 35% in 2017/18.

Children's Social Care Complaints	2013/14	2014/15	2015/16	2016/17	2017/18
Stage 1 – Local Resolution	43	41	37	49	32
Stage 2 – Investigation	7	5	8	9	10
Stage 3 – Review Panel	6	2	2	1	4

3.30 In relation to the nature of complaints, 91% relate to 'difficulties *with communication*' which remains the principal area of complaint, up from 61% in 2016/17. This continues to be addressed by the service through work to support practitioners in their use of language in assessments and reports. A service-user booklet is being developed in 2018 explaining the process related to Child and Family Assessments. Guidance will also highlight that outcomes of assessments ought to be discussed with parents/carers where possible. Staff have also been reminded of the need to provide all necessary information to families in good time, particularly to allow for correction of factual inaccuracies where present and to give service users sufficient time to prepare for meetings and conferences.

3.31 In 2017/18, 8 cases escalated to the LG&SCO although 3 were not pursued.

4. Improvement work

4.1 At the Scrutiny Panel held on 11 December 2017 Members asked for some illustrative examples of how complaints data has actually been used as a diagnostic tool by services. Set out below are examples from four of our key frontline services;

4.2 **Hackney Learning Trust** - Senior Leadership Team (SLT) monitor service performance on a quarterly basis through a continuous improvement plan monitoring report. Each quarter, this report includes information on the number of complaints received by HLT service areas and how many were upheld. Where performance does not meet expected standards in the reporting period (in line with historic data and other service area performance), a performance exception is recorded. In this instance, service managers are required to provide a context to the performance and actions to be taken to reduce the number of complaints received. SLT will also provide a comment which is added to the report demonstrating senior management oversight.

Through this process, it was identified that the level of complaints made against the Education, Health & Care Planning (EHCP) Team (a service area managing 1,800 live cases) had been increasing over time. To respond to the perceived drop in complaints performance for this service, it was agreed that a regular and more detailed complaint data report should be presented to the SEND Trust Action Group (a meeting of senior managers supporting improvement in the service area). As part of this process, the SEND Trust Action Group considers progress against a complaint action plan. The action plan contains various activities and actions identified to prevent further complaints, e.g., training for EHCP coordinators and communications workshop with parents. The plan also outlines the timescale for completion of identified actions, responsible officer, progress and comments from the EHCP team manager. An update of the action plan is also reported monthly through the SEND Improvement Plan.

4.3 **Parking Services** – Regularly review the volume and nature of complaints as part of their wider service improvement work and keep a service improvement spreadsheet that is regularly updated if when an improvement is identified following investigation of a complaint. Monthly Service Improvement Group (SIG) meetings are held where a manager from each service area is present to

discuss the improvements identified and develop solutions and ways to improve.

Examples of improvements falling from this intelligence include the eradication of complaints relating to erroneous permit sales to residents in s106 car free developments and refinements to improve public access to the service to request enforcement action which was the source of a high volume of complaints.

4.4 Building Maintenance - The total numbers of complaints are reported to the Head of Service on a weekly basis and discussed at his weekly one to one with the Director of Housing. The service Complaints Manager attends Management Team and reports on the current figures and trends of complaints and if agenda time allows, will bring specific cases to the meeting to highlight failures and determine improvements and changes to system/process that lead to complaints. A 'Complaints Top Ten' (the top 10 complaints issues for the service) is reviewed by senior management on a weekly basis to identify common issues/causes and ways to improve. A 'Top Ten' spreadsheet is also produced weekly and distributed. Some examples of improvements made are; i) a common complaint about the repairs contact centre and 'miscommunication' between the resident and call agents means some residents do not like using the call centre to report their repairs. Following consideration of related complaints it was agreed to trial outreach working whereby a surgery is held on the estate at which residents can report/discuss their repairs face to face with a senior team leader from the RCC who will provide advice and ensure that issues are dealt with in the correct manner. This has proved successful and has now been rolled out; ii) There are increasing instances of a surveyor specifying works that differ from the resident's opinion of what action should be taken. This can lead to delays in getting works done and resolving the complaint as communication goes back and forth. To address this, the contact centre's visiting officer attends the property and reports back their findings. This gives the Complaints Officer clarity and acts as an independent source to solve the dispute and progress the works.

4.5 Benefits & Housing Needs – The service use complaints data to provide briefings to staff and management on timeliness, volumes and service failure drilled down to team level. A weekly management report is produced each Friday for team managers focusing on all open cases (complaints, enquiries and service requests). Most recently the need to identify issues customers are taking to the Ombudsman has been identified due to volume so summaries are now being prepared for circulation.

Data on timeliness and volume has helped focus in on areas for improvement within the service most recently concentrated; on the need for more managers to be involved in sign off to clear bottle necks; the need to reduce the number of families in temporary accommodation and residents in B&B so that compensation pay outs are reduced; the need for improved communication with Social Services regarding the placement of over stayers; and the need for better communication for customers aimed at managing their expectations given the current housing situation in the borough .