

## **INTRODUCTION**

1.1 This report provides headline data related to complaints and enquiries to the Council during 2018/19.

## **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 2018/19

## **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 2018/19

#### 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 2018-19

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### 1. Introduction

- 1.1 This report provides an overview of the Complaints & Enquiries received in 2018/19 with a focus on volume and performance in managing and learning from them.

### 2. Volumes and Performance

- 2.1 Further detail on volumes of complaints and enquiries received in 2018/19, the way they are managed and the intelligence they provide are set out in this report. In summary, 2018/19 saw the number of complaints fall 9% (2967 to 2701) compared to the previous year.
- 2.2 Although the top level number of complaints has fallen, there are some variances within services that have seen some increases and some reductions - para 3.7 below sets out which services. The volume of Reviews (second stage) has risen by 5% (161 compared to 153) this year, which may reflect an inability to resolve complainant's issues at the first stage or a growing determination to take complaints all the way. There has been a 9% increase (2077 from 1908) in the number of Members Enquiries compared to 2017/18 levels. In the two areas with statutory complaints procedures, volumes of complaints have fallen by 30% in Adult Social Care (120 to 84) but increased by 13% (83 to 94) in Children's Social Care. There has been a 2% fall (1900 to 1859) in the number of Mayor & Cabinet Enquiries.
- 2.3 161 of 2701 Resolution stage complaints went on to the Review stage giving an escalation rate of 6% (up from 5% in 2017/18). The number of Reviews escalating to become formal investigations by the Local Government & Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS), at 61, is significantly higher than the 38 in the previous year and equates to around 38% (25% in 2017/18) of cases exhausting the Council's complaints process.
- 2.4 Of the 61 formal investigations undertaken by both the LGSCO and HOS, 37 (63%) were upheld, down from 74% last year. It should be noted that at the conclusion of the Council's investigation of a complaint there is either fault found or not. Regardless of whether fault is found or not, complainants can, and often do, still take their concerns to the Ombudsman. As such, in some of the cases where the Ombudsman upholds a complaint it may be the case that they are mirroring our earlier decision in finding fault. The remedy imposed by the Ombudsman, financial or action, could though differ from that offered by the Council.

### 3. Complaints and Enquiries Data Analysis (2018/2019)

3.1 The number of complaints received by the Council in 2018/19 has fallen 9% compared to the previous year. The number of Members Enquiries have increased by 9% in 2018/19 and Mayor & Cabinet Enquiry volumes fell by 2%.

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 279,700 living in 119,971 households. Relevant to the areas with the highest volume of complaints we are the landlord for 21,722 homes and have an additional 9,351 leaseholders/freeholders, have more than 38,885 residents claiming in excess of £302m of benefits, with 160,000 changes in circumstances assessed per annum, have 124,973 visitors to the Hackney Service Centre asking for assistance on a wide range of services and issue more than 162,934 parking penalty charge notices.

Type	2014/15	2015/16	2016/17	2017/18	2018/19
Resolution Stage	2,964	2,649	3,005	2,967	2,701
Review Stage	196	132	130	153	161
Members Enquiries	1,993	1,632	1,676	1,908	2,077
Mayor & Cabinet Enquiries	1,597	1,614	1,775	1,900	1859

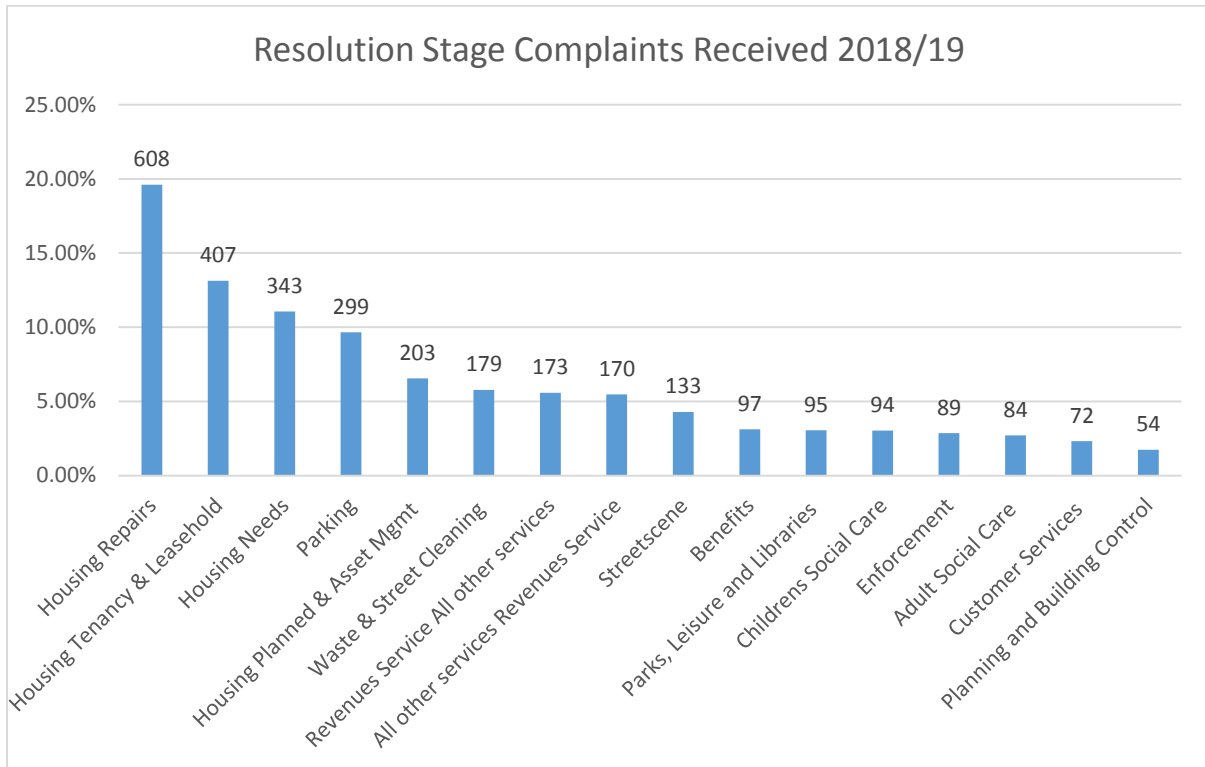
Average Response Times	2014/15	2015/16	2016/17	2017/18	2018/19
Resolution Stage Complaints	20.3 working days	21.2 working days	20.6 working days	17.7 working days	20.9 working days
Review Stage Complaints	19.2 working days	20 working days	19.5 working days	18.9 working days	20.2 working days

3.3 Whilst volumes of Resolution (stage 1) complaints have fallen compared to 2017/18, there was an increase of 3.2 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 161 Reviews (stage 2) in 2018/19, a 5% increase compared to the year before with the majority distributed across the following services – Housing Tenancy & Leasehold 36 (22%), Housing Building Maintenance 35 (22%), Benefits/Housing Needs 32 (20%) and Parking 15 (9%).

### 3.5 Types of Complaints

3.6 The chart below sets out the services in the Council that receive the highest volumes of first stage complaints. It is based on 3100 (higher than the 2701 reported earlier in this report) as it includes Adult Social Care and Children’s Act complaints as well as complaints that are allocated to more than one service.



3.7 Although the volume of complaints in 2018/19 has fallen 9% compared to 2017/18 there have been some notable changes to volumes in some services;

#### Less complaints:

- Housing Repairs – down 13.8% (705 to 608)
- Adult Social Care – down 30% (120 to 84)
- Planning & Building Control – down 28% (75 to 54)
- Housing Needs – down 8% (373 to 343)
- Benefits – down 18% (118 to 97)

#### More complaints:

- Housing Tenancy & Leasehold - up 18% (345 to 407)
- Streetscene – up 39% (96 to 133)
- Enforcement – up 305% (22 to 89)

3.8 Adult Social Care and Planning have seen the greatest reduction in complaints in percentage terms compared to 2017/18. There has been a very slight reduction in Housing Service complaints overall in 2018/19 with a reduction in repair/cleansing related complaints but a similar volume increase in the Tenancy & Leasehold service. Benefits & Housing Needs have seen a combined overall 10% reduction in numbers.

3.9 Enforcement, although from a low base in 2017/18, has seen a dramatic rise in the number of complaints with almost half relating to failings in our management of noise nuisance cases. Streetscene continue an upward trend over the last three years with half of the complaints relating to traffic management schemes.

3.10 The current system set-up means that non-mandatory fields are not always completed on the Pentana Complaints Software system at Resolution stage meaning that only 40% identify the 'complaint type'. This is one of the learning areas to be improved through the planned upcoming introduction of a new system. Where 'complaint type' has been identified, it shows that people are complaining about service failure (32%), delays/missed appointments (13%), staff behaviour (13%), case management (13%) and disagreement with policy/decision (12%).

### ***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 housing 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 2018/19 and report that they undertook 30 formal investigations in Hackney last year of which 21 (70%) were upheld. The rate of upheld cases has fallen from 74% in 2017/18 although the number of cases has risen from 27. The LG&SCO have only provided detail on 19 of the 21 upheld cases which are broken down as follows - Adult Social Care (2, same as last year), Housing (6, down from 8 last year), Education & Children (5, down from 6 last year), Highways & Transport (4, up from 2 last year), Community Safety (1, none last year) and Planning & Development (1, same as last year).

3.13 In addition it should be noted that in April 2019 the Council, as expected, were issued with two 'Public Reports' by the LG&SCO relating to investigations in 2017/18 Both 'Reports' relate to complaints against Hackney Learning Trust (HLT) in relation to Education, Health & Care Plan (EHCP) provision. These follow one Public Report regarding Adult Social Care issued in 2016/17 and one regarding Planning Enforcement in 2015/16, which was the first the Council had received since 2007. The table below sets out benchmarking data from neighbouring boroughs based on 2018/19 reports published by the Local Government & Social Care Ombudsman on all local authorities and shows how Hackney compares.

Council	Complaints received	Detailed Investigations	Upheld (rate)	Public Reports (last 5 years)
Hackney	137	30	21 (70%)	4
Haringey	166	53	37 (70%)	3
Islington	106	26	11 (42%)	1
Newham	199	35	27 (77%)	0
Tower Hamlets	95	20	15 (75%)	1
Waltham Forest	167	35	24 (69%)	0

3.14 There were 8 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 significant reduction on the 15 cases in 2017/18. In the majority of cases, the Designated Person determined that there was no more he could add to resolution already offered, allowing the complainant to approach the Housing Ombudsman if they wished to.

3.15 The Housing Ombudsman do not publish an annual letter or report and given their delays, often in the region of ten months, in dealing with cases and catching up on backlogs makes year on year comparison difficult. However, we had 29 formal investigations by them in 2018/19 which is a significant increase on the 11 in the previous year. 28 of the 29 cases investigated have been determined. Of the 28 complaints decisions, 9 found maladministration, 10 found service failure and 9 found no maladministration. The 9 cases finding maladministration is an increase on the 2 cases in 2017/18. The 9 maladministration cases relate to i) delays in undertaking and concluding repairs (7), ii) failure in dealing with ASB (1) and iii) failures in communication/complaint handling (1).

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***

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

3.17 Average time taken to respond to Members Enquiries was 18 days in 2018/19, an increase of 2.5 days on the previous year which may be due in some part to the 9% increase in volume compared to the year before as shown in the table below.

3.18 A breakdown of Members Enquiries by type where identified shows that they are used to raise service requests (71%), information requests (14%), complaints (6%) and other requests (9%).

<b>Members Enquiries</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Members Enquiries Received	1,993	1,632	1,676	1,908	2,077
Average time taken to respond	13 working days	15 working days	15.5 working days	15.5 working days	18 working days

The 9% increase in the number of Members Enquiries compared to 2017/18, relates to a spike in the earlier months of the year which may be due to increased activity during the lead up to European elections in May 2019.

## ***Mayor and Cabinet Member Enquiries***

3.19 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.

<b>Mayor's &amp; Cabinet Members Enquiries</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Enquiries received (inc referrals)	1,597	1,614	1,775	1,900	1,859
Average time taken to respond	18.6 working days	13.9 working days	19.9 working days	26.8 working days	27.9 working days

3.20 Responses from the Mayor and Cabinet are subject to extensive quality assurance by the Mayor & Cabinet 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.

3.21 Further to the slight increase in volumes in 2017/18, the total number of enquiries received in 2018/19 has remained relatively consistent at 1,859 cases. While a focus on referring residents directly to service areas to negate an increase in volumes has continued, this has unfortunately not prevented a slight increase in response times to an average 27.9 days. This increase is in keeping with the increase in response times for complaints and Member enquiries across the Council.

3.22 The priority for Mayor and Cabinet casework continues to be resolving issues before responses are sent and ensuring a comprehensive and personal reply, and whilst this has meant that the quality of responses sent by the Mayor and Cabinet remains consistently high, this has had an ongoing impact on response times; the increasing complexity of cases raised with the Mayor and Cabinet, and ongoing demands on the Mayor and Cabinet Members' availability to sign-off responses, also has an impact.

3.23 It is hoped that an ongoing review of casework processes and the initiation of regular Council-wide Mayor and Cabinet Casework Forums to share knowledge and instigate a more honed approach to handling Mayor and Cabinet enquiries will improve response times in the coming year.



## **Adults Social Care & Children' Social Care Complaints**

3.24 Processes for dealing with complaints relating to the social care of both adults and children are set down in specific legislation meaning they are managed differently from complaints about all other Council services. Although they are held on the corporate complaints system and are managed in line with all other complaints if they escalate to the Ombudsman, the different stages, timeframes and the confidential nature of investigations means they are handled separately by officers in those services.

### **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.

<b>Complaints</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Numbers Received	118	96	127	120	84
Average time taken to respond	20 working days	33 working days	21 working days	28 working days	55 working days

3.26 There has been a 30% decrease in the volume of ASC cases compared to 2017/18. Despite the decrease in volumes, the average time taken to respond to complaints has increased significantly this year. However, it should be noted that there is no time limit for responding to ASC complaints with timeframes for responding negotiated with the individual making the complaint. As such, a large proportion of complaints closed in 2018/19 will have been concluded within the number of days agreed with the complainant.

3.27 The complaints received in 2018/19 were raised in relation to:

- The standard of care delivered (32%)
- The standard of service delivered (non-care) (21%)
- The outcome of an assessment or the care package implemented (9%)
- Communication (9%)
- ASC process (8%)
- Requests for service (5%)
- Delays (4%)
- Other (11%)

3.28 In 2018/19, 3 cases were escalated to the LG&SCO with 2 taken on as formal investigation with 1 upheld and 1 not upheld.

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

3.29 The number of complaints reported on page 5 include all corporate complaints and Children's Act complaints made about the service whereas the figures below exclude pre-stage complaints and corporate complaints. The number of Stage 1 Children's Social Care complaints is the same as the previous year although the number escalating to stage 3 has increased significantly.

<b>Children's Social Care Complaints</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Stage 1 Local Resolution</b>	41	37	49	32	32
<b>Stage 2 Investigation</b>	5	8	9	10	9
<b>Stage 3 Review Panel</b>	6	2	2	1	5

3.30 In terms of the nature of complaints, issues related to communication, the assessment process and staff conduct were the most common reasons for complaints.

3.31 In 2018/19, 10 cases were escalated to the LGSCO with 7 taken on as formal investigation with 5 upheld and 2 not upheld.