

MIDDLESBROUGH COUNCIL

STANDARDS COMMITTEE

4 NOVEMBER 2015

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT

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PURPOSE OF REPORT

1. To provide Standards Committee with a summary of the Corporate Complaints and Compliments Annual Report which provides statistical and performance information for the financial year 2014/15 and provides an overview of the lessons learned.
2. It was agreed by the Leadership and Management Team on 27 August 2015 that a more detailed review of the current complaints process is to be carried out as part of the wider Democratic Services review in order to improve the customer's experience and align this with the Customer Strategy.

BACKGROUND

3. Complaints are a valuable source of information about our services, which can help identify recurring or underlying issues and potential improvements.
4. The Council has undertaken a number of structural and staffing changes and a loss of experienced staff may be influencing the quality and timeliness of responses. This can greatly impact on the customers experience with the Council which may then lead to further complaints and possible reputational loss.
5. There are some financial implications for the complaints process as it stands namely in the form payments to complainants in the event of fault being discovered. While monetary payments are quite rare there are some instances whereby such payments have been necessary.
6. Generally speaking the Council would broadly define a complaint if there is:
 - Failure to provide a service at the right time or to the standard expected of the Service.
 - Dissatisfaction in answering a query or responding to a request for a service.
 - Failure to follow the Service's agreed policy, orders or procedures.

- Failure to take proper account of relevant matters in coming to a decision. Discourteous or dishonest behaviour by a member of staff.
- Harassment, bias or unfair discrimination.

7. Whereas a complaint would be treated as non-qualifying if:

- Anonymous complaints;
- Cases where other rights of appeal exist (e.g. special education provision);
- Routine requests for service (e.g. repairing a pothole in the road), UNLESS such request has been dealt with improperly or with undue delay;
- Cases where an immediate response can be given.

8. As a general rule of thumb the following example can be helpful:

The street light outside my house is broken, please fix it. – Service Request

The street light is still broken outside my house. I've reported this several times. Why haven't you fixed it yet? – Complaint

9. There are three complaint procedures currently operating (Children's Services, Adults Services (Public Health Complaints utilise Adults processes) and Corporate Complaints, that are all recorded in one system (Siebel) which acts as a case management system for all complaint types. Children's and Corporate complaints are managed and coordinated through Democratic Services.
10. The tables below indicate that the majority of complaints are being handled at the first, informal, stage with around 10% of complaints being escalated to Stage 2. Whilst the number of complaints received has decreased in the last two years in both stages, the time taken to respond to complaints has increased.
11. Any meaningful analysis of the data such as reasons complaints are being submitted is difficult to extract from the recording system i.e. numbers and subject matters are recorded, but issues such as whether the complaint is as a result of service failure, staff attitude, application of, or unfair policies are not. The initial design of the system did not incorporate the level of functionality to pull meaningful qualitative information from the system and technical upgrades have not been undertaken due to possible moves to a new CRM. Any change to this system will hopefully address such shortcomings.

2013/14 Complaints by Complaint Stage and Service Outcome:

Outcome Area	1	2	3	4	5	6	7	8	9	Tot.
Stage 1	28	29	9	2	71	25	111	85	8	368
Stage 2	7	5	0	1	8	1	1	12	2	37
Stage 3	NA	NA	NA	0	0	NA	NA	NA	NA	0
Review	1	4	0	NA	NA	NA	0	3	0	8
LGO	0	4	0	0	5	1	2	3	1	16
Non Qualifying	1	0	0	0	22	7	0	0	3	33
Total	37	42	9	3	106	34	114	103	14	462

2014/15 Complaints by Complaint Stage and Service Outcome:

Outcome Area	1	2	3	4	5	6	7	8	9	Tot.
Stage 1	11	27	0	1	48	24	99	104	27	341
Stage 2	1	0	0	1	8	0	4	10	7	31
Stage 3	NA	NA	NA	0	3	NA	NA	NA	NA	3
Review	0	0	0	NA	NA	NA	1	2	4	7
LGO	0	2	0	0	6	2	1	3	3	17
Non Qualifying	0	0	0	0	12	4	2	0	3	21
Totals	12	29	0	2	77	30	107	119	44	420

*NA denotes stage not applicable for that outcome area. E.g. Stage 3' are only applicable to Children's services

12. As you will see below a large amount of complaints are not being handled within the Council's own prescribed timescales (10 days for Stage 1 and 25 days for Stage 2 complaints). In many case this is due to a change in staffing structures, inexperience in handling complaints and managers not ensuring complaints are given appropriate priority. There is room for improvement across the majority of service outcomes.

2013/14 Complaints exceeding time allowances for each stage

Outcome Area	1	2	3	4	5	6	7	8	9	Total
No. Stage 1	28	29	9	2	71	25	111	85	8	368
Stage 1 >10	7	14	1	1	35	17	51	49	2	177
Stage 1 >10 (%)	25	42	11	50	49	68	46	58	25	48
No. Stage 2	7	5	0	1	8	1	1	12	2	37
Stage 2 >25	5	3	0	1	6	1	1	1	2	20
Stage 2 >25 (%)	71	60	0	100	75	100	100	8	100	54

Statistics include Stage 1 and 2 responses as this is where the majority of complaints are handled by the Council.

2014/15 Complaints exceeding time allowances for each stage

Outcome Area	1	2	3	4	5	6	7	8	9	Tot.
No. Stage 1	11	27	0	1	48	24	99	104	27	341
Stage 1 >10	7	18	0	0	21	17	48	53	15	179
Stage 1 >10 (%)	64	67	0	0	44	71	48	51	56	52
No. Stage 2	1	0	0	1	8	0	4	10	7	31
Stage 2 >25	1	0	0	0	7	0	2	3	5	18
Stage 2 >25 (%)	100	0	0	0	88	0	50	30	71	58

Statistics include Stage 1 and 2 responses as this is where the majority of complaints are handled by the Council.

13. Experience shows that complainants who feel they have not been dealt in a timely manner or not kept up-to-date with their complaint will often wish to progress to the next stage of the complaints process as they feel they are not being listened to or dealt with in an appropriate/timely manner causing them frustration and leading to them having to instigate multiple contacts with the Council to gain feedback.

Complaints upheld

14. Upheld complaints are those where the Council recognise that fault is present and that it got something wrong. The significance of a service failing is dependent upon the complaint. It is important to note that the service responding to the complaint determines if the complaint is upheld or not, and this is to a certain degree open to interpretation.

2013/14 Complaints upheld 2013/14 by outcome area

Outcome Area	1	2	3	4	5	6	7	8	9	Totals
No. Stage 1.	28	29	9	2	71	25	111	85	8	368
Upheld.	11	16	6	1	14	8	90	28	2	176

2014/15 Complaints upheld 2014/15 by outcome area

Outcome Area	1	2	3	4	5	6	7	8	9	Totals
No. Stage 1.	11	27	0	1	48	24	99	104	27	341
Upheld.	7	14	0	0	12	6	52	35	2	128

15. Again it is difficult to provide any meaningful analysis of the complaints to assess if there are common themes or if any key areas for improvement can be identified as the level of detail being recorded within the system by those handling complaints is minimal. However, it is evident that complaints tend to increase when new systems or processes are instigated which could indicate that better communications/consultations are needed with the public.

Local Government Ombudsman (LGO) Statistical Information 2014/15

16. The LGO provides an annual report to each Council on the complaints they have received and investigated in relation to each authority. However, those statistics will not necessarily correlate to the numbers the Council hold because of the different ways they are recorded. For example some people may go direct to the LGO but have not exhausted the local complaints mechanisms and therefore the LGO would signpost them to the Council but still record them in their statistics. However, they may never contact the Council.

17. As you will see from the table below Middlesbrough compare well to other local authorities in the amount of complaints submitted to the LGO, however the following table indicates that Middlesbrough has the most complaints where fault was found and the complaint upheld.
18. It is difficult to identify why this is the case as we do not know the nature and complexity of each individual complaint submitted against other authorities, however a loss of experienced investigating stage 2 officers within the Council may be a contributing factor.

**LGO Complaints & Enquiries Received (sorted by total enquiries)
2014/2015**

Local Authority	Adult Care Services	Benefits & Tax	Corporate & Other services	Education & Children's Services	Environmental services & Public protection	Highways & Transport	Housing	Planning & Development	Total
Stockton	12	5	5	17	6	1	4	4	54
Sunderland	6	8	7	7	4	6	2	11	51
Darlington	7	3	6	10	10	3	2	4	45
Redcar	7	14	3	6	2	4	0	3	39
Middlesbrough	6	8	2	11	3	2	3	2	37
Hartlepool	2	3	4	3	2	0	1	1	16

This table shows enquiries made to the LGO about different topics and do not relate to action taken by them.

Definitions –

- Upheld – Investigated and Council found to be at fault and asked for remedial action to be taken
- Not upheld – Investigated and not found to be at fault – no further action taken
- Advice given – advice provided as why the LGO could not look into the complaint
- Closed after initial Enq. – Not investigated and early decision reached to not pursue (e.g. no injustice or outside of jurisdiction)
- Incomplete/ Invalid – Not investigated – not enough information provided by complainant
- Referred back for local resolution – Not investigated - premature and council should look at it.

LGO Decisions Made (sorted by highest number of upheld complaints)

Local Authority	Upheld	Not Upheld	Advice Given	Closed after initial enquiries	Incomplete/ invalid	Referred back for local resolution	Total
Middlesbrough	7 (17%)	9 (21%)	0 (0%)	8 (19%)	0 (0%)	18 (43%)	42
Stockton	4 (9%)	9 (19%)	0 (0%)	12 (26%)	1 (2%)	21 (45%)	47
Darlington	3 (8%)	2 (5%)	2 (5%)	17 (45%)	2 (5%)	12 (32%)	38
Redcar	3 (8%)	3 (8%)	0 (0%)	11 (29%)	0 (0%)	21 (55%)	38
Sunderland	2 (4%)	4 (9%)	0 (0%)	18 (38%)	3 (6%)	20 (43%)	47

Hartlepool	1 (6%)	3 (18%)	1 (6%)	4 (24%)	1 (6%)	7 (41%)	17
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*Note percentages are based on each Council's total complaints received by the LGO

19. Whilst the numbers of upheld complaints are low the only common themes are: ineffective interpretation of Council Policy/legislation and poor information handling.
20. However, the impact on the Council can be great as LGO can advise that the Council offers monetary compensation and will makes its finding's public which could then also impact on the Council's reputation. The table below gives the full account of each complaint classed as Upheld by the LGO in 2014/15 by outcome area.

O C	Complaint	LGO Analysis	LGO recommendation	Council Action
8	The Council refused complainants application for a Community Support Award (CSA)	Incorrect application of the CSA policy when deciding the outcome of application. This caused an injustice, as complainant did not know if his claim would have been successful had the application been considered properly.	The Council agreed to review complainants application in line with the Community Support Scheme policy. The Council have also agreed to review the wording of the Community Support Scheme policy and ensure that they apply the criteria correctly for all future awards.	Council visited complainant and awarded new furniture and received vouchers with instruction on how to redeem them. Complainant returned the vouchers stating he was disappointed because he wasn't given the money directly.
5	Complaint in 2 parts: a)The Council failed to provide an appropriate remedy for the failure, identified by its own investigation, to pay complainant the correct amount as a family and friends foster carer between June 2008 and April 2012; b)failed to pay an extra allowance of £50 per week that was paid automatically to all existing foster carers from approximately 2010 on condition they would pass an assessment within three years.	a) LGO happy with the Council's internal investigation and agreement to pay outstanding monies (£900) owed. b) LGO could not recommend additional payments of £50 between 2008 and 2012 but the complainant's loss of	As well as the sum of £2164.80 earlier offered by the Council, it has now agreed to pay complainant a further £900 that it has confirmed it still owes him, plus £250 for his loss of opportunity between 2008 and 2012 to undertake training to achieve the standards required under either Council scheme for extra payments. This makes a total of	Monies paid on the 17 Oct 2014.

		opportunity makes an injustice.	£3314.80.	
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5	<p>Council stopped special guardianship payments to complainant for her two children after March 2013. Although it entitled to stop the payments, it gave no warning. It accepted this was fault, apologised, changed its procedures and paid £50 per week for one child N until October 2014 as it considered he had extra needs.</p> <p>However, it did not properly assess these needs or say why they apparently stopped in October 2014. The Council agreed to carry out a fresh assessment of that child's extra needs and to backdate any payments the assessment finds are due and should have been made.</p>	<p>The Council unable to show whether the child had needs above those identified and met in December 2012. It has not shown whether the £50 per week payments met the extra needs to which its own scrutiny panel referred in June 2013, or even what those extra needs were. It did not show why the child's extra needs apparently stopped in October 2014. Unclear about the rationale for the £50 per week payment. I therefore find the Council at fault. The uncertainty whether child has needs the Council is not meeting is an injustice to complainant.</p>	<p>Council should carry out an assessment of possible extra needs by virtue of his condition, within three months of the date of my final decision. If the assessment shows child has unmet needs, the Council should either provide services or payments to complainant depending on their preference. If the assessment shows needs have continued and the Council would have had to make payments to meet them, it should backdate payments to the date it stopped the special guardianship payments and pay complainant any amount owed, minus what it has already paid and any benefits claimed in the meantime that she would not otherwise have been able to claim.</p>	<p>Assessment carried out.</p>
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3	The Council cannot show how it calculated fees for its various taxi licences as it did not kept adequate records. As a holder of a Private Hire Operator Licence complainant was uncertain about whether the fees paid are fair and appropriate.	Council did not know how licensing fees were calculated due to poor record keeping.	The Council should undertake a review of the licensing fees, consult with the trade and decide how to distribute the surplus in the account. The Council should apologise to complainant for time and trouble.	Apology issued to complainant. Review close to completion. Consultation with the trade will be after this.
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1	The council installed a bus stop opposite complainant's home without proper consultation and without properly considering the safety and traffic implications. Complainant believes the road is less safe and has been verbally abused by other motorists because of the bus stop when manoeuvring around it.	Council at fault for not following consultation processes properly and did not keep accurate records of letter delivery or objections raised. Information on Council's website was also out of date. Service Area complaint response did not uphold the complaint but did not state how to escalate the complaint further.	Issue an apology to complainant and improve the way in which the Service records consultation processes.	Apology issued on 2 nd Dec 2014.
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5	Complaint about how information had been shared with LADO and employer	Found that information had been shared inappropriately.	Apology should be issued and payment of a total of £5,000 be paid to the complainant	Apology issued and payment made.
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Compliments to the Council

21. Compliments also form an important part of our customer feedback and should also help us formulate best working practices and improve our services. However, the low figures below could indicate that not all compliments are being recorded.

22. It is difficult to ascertain why compliments have dropped between 2013/14 and 2014/15 without other intelligence gathering techniques (e.g. consultations).

2013/14	
Children's Services	59
Adults Services	16
Corporate Services	7
Total	82

2014/15	
Children's Services	23
Adults Services	23
Corporate Services	10
Totals	56

RECOMMENDATIONS

23. That the Committee notes the report.

BACKGROUND PAPERS

Statistical information from the Siebel CRM System was used in the preparation of this report.

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