

AGENDA ITEM 5

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| Report of: | Strategic Director of Finance, Governance and Support |
| Submitted to: | Standards Committee, 11 October 2018 |
| Subject: | Annual Complaints Report 2017/18 |

Summary

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| Proposed decision(s) |
| <p>That the Committee notes complaints statistics and trends for 2017/18, the outcomes and lessons learned from these, and planned improvements to the management of complaints within the Council during 2018/19.</p> <p>That the Committee considers any further improvements in complaints handling it wishes to see over the next year.</p> |

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| Report for: | Key decision: | Confidential: | Is the report urgent? |
| Information and discussion | N/A | No | N/A |

| Contribution to delivery of the 2018-22 Strategic Plan | | |
|---|--|--|
| Business Imperatives | Physical Regeneration | Social Regeneration |
| The planned actions set out within the report will improve complaints handling across the Council and better align it with the principles of the Customer Strategy. | Improved complaints handling across will result in an improved customer experience for residents and promote continuous improvement in services. | Improved complaints handling across will result in an improved customer experience for residents and promote continuous improvement in services. |

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| Ward(s) affected |
| None. |

What is the purpose of this report?

1. This report summarises, for the information of Standards Committee, the numbers and outcomes of complaints received by the Council during 2017/18 falling under its corporate complaints procedure, and the statutory procedures for adult and children's services. It also summarises complaints escalated to the Local Government and Social care Ombudsman (LGSCO).

Why does this report require a Member decision?

2. As set out in its Customer Strategy, the Council is committed to providing excellent customer service. It welcomes customer views on its services, and is committed to learning from these to improve performance.
3. It is within the terms of reference of Standards Committee to maintain an overview of complaints handling and LGSCO investigations. This report provides the necessary information to enable the Committee to discharge this responsibility, setting out:
 - a summary of the complaints procedures used within the Council;
 - key statistics on local complaint volumes and outcomes during 2017/18;
 - a summary of complaints escalated to the LGSCO during the year;
 - lessons learned from consideration of complaints received; and
 - resulting actions to be taken.

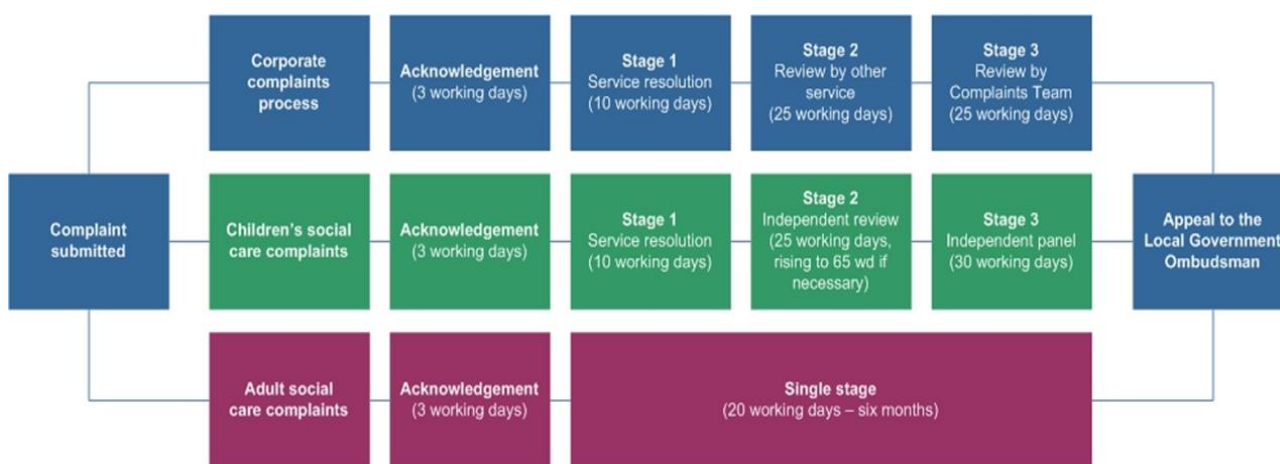
Report Background

Complaints process

4. A complaint is defined by the LGSCO as *"an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response."*
5. The Council is required to operate three separate complaints procedures:
 - a corporate procedure, based on practice recommended by the LGSCO, but largely determined by the Council; and
 - two separate procedures for adult and children's services that are driven by statutory regulations outlining the specific steps to be taken and timescales for responses.
6. Some complaints and appeals are addressed through separate procedures, including:
 - a complaint about a school;
 - a complaint about councillor misconduct;
 - a complaint about staff misconduct;
 - whistleblowing;
 - a potential insurance claim;
 - a potential data protection breach;
 - an appeal against a parking penalty charge notice;

- an appeal relating to request for information;
- an appeal against refusal of planning permission; and
- an appeal about school admission or exclusion.

7. The complaints team oversees the management of all complaints and determines which procedure should be used. Where a complainant remains dissatisfied after the relevant procedure has been exhausted, they can refer the complaint to the LGSCO for review and possible investigation (with this determined by the LGSCO itself). Timescales for the three main procedures are outlined in the graphic below:



8. Where a complaint is partially upheld or upheld, either by the Council or via the LGSCO, an apology and a remedy is necessary. Where the complainant has experienced distress or financial loss, a payment may be required and the Council follows LGSCO guidance on these matters.
9. Total numbers of complaints always represent a very small fraction of transactions undertaken by a Council during the year. The LGSCO advises that complaint volumes and trends are in themselves are no indication of organisational health or of the performance of individual services but that high volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a sign that an organisation is not receptive to user feedback.
10. As such, the Council does not set targets around the volume of complaints, with the key point being to learn from complaints received to address any genuine performance issues raised and communicate the action taken to customers.

Complaints in 2017/18

Complaints determined by the Council

11. The following table summarises overall complaints received by the Council during 2017/18, and the outcomes of these, compared with the position in 2016/17.

| Procedure | Totals | Movement from 2016/17 | Upheld | Movement from 2016/17 | Partially upheld | Movement from 2016/17 | Not upheld | Movement from 2016/17 |
|-------------|--------|-----------------------|--------|-----------------------|------------------|-----------------------|------------|-----------------------|
| Corporate | 1,005 | +512 | 203 | +130 | 110 | +66 | 692 | +316 |
| Adults | 59 | +30 | 6 | 0 | 12 | +9 | 41 | +21 |
| Children's* | 13 | -33 | 2 | +1 | 3 | -1 | 8 | -33 |

* Some children's services complaints were dealt with under the corporate procedure during 2017/18. The overall number of complaints relating to children's services increased from 78 in 2016/17 to 91 in 2017/18.

12. This shows significant growth in the total volume of complaints received by the Council between 2016/17 and 2017/18. This was driven largely by the fact that the Council has, through the Customer Strategy, created awareness of its ambitions for customer excellence and made it easier for customers to complain. It should be noted that over 60% of the growth were complaints that were not upheld.

13. However, the increase in the proportion of complaints that were upheld / partially upheld from 23% in 2016/17 to 31% in 2017/18 were indicative of genuine issues in some services, which were identified and addressed during the year.

14. As may be obvious, the service areas with the highest number of complaints are typically those with the most contacts with customers. In 2017/18, the following were the most 'complained about' services within the Council, accounting for 85% of the total.

| Service | Number of complaints | Movement from 2016/17 | % upheld |
|-----------------------------|----------------------|-----------------------|----------|
| Environment Services | 336 | +241 | 33% |
| Revenues and Benefits | 234 | +93 | 45% |
| Highways and Transportation | 130 | +102 | 12% |
| Children's Services (total) | 92 | +13 | 39.5% |
| Adult Social Care | 59 | +30 | 30% |

15. The increases within the top three service areas can largely be explained by the following factors:

- for Environment Services, issues experienced in changing customer waste collection rounds during the year;
- for Revenues and Benefits, issues experienced in transitioning to a new model of service delivery, and the unavailability of some system functionality during the year, which created a processing backlog for customers; and
- for Highways and Transportation, traffic disruption caused by the overrun of some road improvement schemes, but principally the poor winter weather, which generated a spike in complaints about winter maintenance.

16. The Council continues to resolve the great majority of complaints within Stage 1 of its procedures, with only 2% progressing to Stage 2 and beyond in 2017/18. In reviewing complaints during the year it is considered that too many issues and complaints are entering the formal complaints process, rather than being resolved informally, and this is a key learning point for the future.

Complaints escalated to the Local Government and Social Care Ombudsman (LGSCO)

17. The following table summarises decisions made by the LGSCO on issues raised with them by customers of the Council over the past three years.

| Year | Incomplete or Invalid | Advice given | Referred back for local resolution | Closed after initial enquiries | Detailed investigations | | | Total |
|---------|-----------------------|--------------|------------------------------------|--------------------------------|-------------------------|--------|--|-------|
| | | | | | Not Upheld | Upheld | Uphold Rate (of detailed investigations) | |
| 2015/16 | 3 | 0 | 16 | 11 | 4 | 6 | 60% | 40 |
| 2016/17 | 1 | 1 | 10 | 7 | 3 | 4 | 57% | 26 |
| 2017/18 | 0 | 0 | 15 | 16 | 7 | 7 | 50% | 45 |

18. The Council has seen a small increase in the number of issues escalated to the LGSCO over the past three years, though the numbers of complaints upheld are relatively static and falling as a proportion of detailed investigations undertaken by the Ombudsman.

19. The majority of complaints upheld by the LGSCO typically relate to complex adult and children's services cases but there has been a rise in upheld complaints relating to revenues and benefits during the past three years.

20. Consideration of LGSCO data across the Tees Valley for 2017/18 shows that, while the Council has the most issues raised and most detailed investigations undertaken, its 'upheld' rate is the second lowest of neighbouring councils.

| LA | Incomplete or Invalid | Advice given | Referred back for local resolution | Closed after initial enquiries | Detailed investigations | | | Total |
|------|-----------------------|--------------|------------------------------------|--------------------------------|-------------------------|--------|--|-------|
| | | | | | Not Upheld | Upheld | Uphold Rate (of detailed investigations) | |
| MBC | 0 | 0 | 15 | 16 | 7 | 7 | 50% | 45 |
| DBC | 3 | 3 | 9 | 13 | 7 | 6 | 46% | 41 |
| HBC | 2 | 0 | 7 | 8 | 3 | 3 | 50% | 23 |
| RCBC | 1 | 0 | 21 | 4 | 1 | 5 | 83% | 32 |
| SBC | 1 | 0 | 18 | 3 | 2 | 5 | 71% | 29 |

Lessons learned

Policy and procedural changes

21. A number of changes to policy and procedures across the Council have been made in response to the consideration of complaints during 2017/18:

- In order to provide clarify customer contact arrangements for revenues and benefits, telephone numbers were reinstated on customer communications and the Council's website. It is anticipated that the service will align closer to the Council's Customer Strategy following insourcing later in 2018/19.
- Arrangements for managing and communicating changes to customers about waste collection rounds were reviewed to ensure the better management of changes in future years, including automated messaging and regular website updates.

- Following a number of complaints, children's services re-emphasised to social workers the importance of maintaining regular contact with clients and returning phone calls.
- The Family & Friends Carers (Kinship Care) Policy was revised to ensure that it represents a fair and consistent approach to assessing carers.
- Children's Services also reconsidered its approach to families who enter into indirect contact with their children and grandchildren, with a view to ensuring that such contact is appropriate and timely. Families are fully appraised on their and any children's expected engagement and how to manage the responses, or lack of responses, from children.
- The Local Authority Court Care Plan was amended to ensure that processes are in place for social workers to support parents with indirect contact.
- Safe transport of children and the use of appropriate child car seats was reviewed.

Corporate complaints procedure

22. During 2017/18, the complaints team transferred to Strategy, Information and Governance as the Council continues to better join-up key customer-focussed teams in support of its Customer Strategy. On 12 June 2016, the Executive approved a refreshed Customer Strategy for 2018-2022, focussed on understanding customer needs, meeting them effectively and efficiently, and validating and communicating the Council's achievements. The new strategy included the commitment to review *'complaints procedures, to make sure that they are easy to use and result in complaints being settled as soon as reasonably possible'*.
23. Over the past year, a fundamental review of the corporate complaints procedure and supporting arrangements has been undertaken to ensure that it aligned with the Council's Customer Charter and operates as efficiently as it can.
24. This review has identified a number of improvements to be implemented during 2018/19, and was informed by an internal audit of complaints management in Quarter One. While providing an overall opinion of moderate for the current control environment, the audit supported the overall proposals of the complaints review to:
- significantly simplify the corporate complaints procedure, focussing on the early resolution of complaints, agreed (rather than standard) timescales for resolution, and ongoing communication with the customer;
 - improve supporting software systems to ensure that complaints can be easily tracked and real-time management information can be provided to services;
 - improve training for service managers and develop an internal pool of investigators from senior management; and
 - establish quarterly reviews of complaints data and associated performance indicators to promote continuous improvement.

What decisions are being asked for?

25. That the Committee notes complaints statistics and trends for 2017/18, the outcomes and lessons learned from these, and planned improvements to the management of complaints within the Council during 2018/19.
26. That the Committee considers any further improvements in complaints handling it wishes to see over the next year.

Why is this being recommended?

27. To support the Committee to discharge its responsibility to maintain an overview of complaints handling and LGSCO investigations.

Other potential decisions and why these have not been recommended

28. Not applicable.

Impact(s) of recommended decision(s)

Legal

29. Progress to date and the proposed improvements set out in the report are consistent with and will promote the achievement of the Council's legal duty to achieve Best Value.

Financial

30. It is anticipated that all activity set out in this report is achievable within existing and planned budgets.

Policy framework

31. Current and planned activity is consistent with the direction of travel set out in the Strategic Plan, and so is aligned with the Council's Policy Framework.

Equality and diversity

32. There will be no negative, differential impact on diverse groups and communities within Middlesbrough arising from this report.

Risk

33. Effective management of complaints mitigates reputational and financial risks to the Council, and mitigates the strategic risk of failing to embed cultural change within the Council.

Actions to be taken to implement the decision(s)

34. The following actions will be undertaken during 2018/19, with progress and impact reported to the Committee in the next annual report, to be scheduled for September 2019.

| Action | Owner | Deadline |
|--|--|---------------|
| Publish revised corporate complaints policy and supporting procedures. | Head of Strategy, Information and Governance | October 2018 |
| Launch of revised complaints module on the Council's Customer Relationship Management system and manager's dashboards. | Complaints Manager | |
| Development of internal pool of investigators and associated training and development plan. | Complaints Manager | November 2018 |

| Action | Owner | Deadline |
|--|---|----------------|
| First quarterly complaints reviews and reports to LMT. | Complaints Manager | January 2019 |
| Internal audit review of complaints management. | Tees Valley Audit and Assurance Service | By March 2019 |
| Annual review of complaints management and updating of improvement plan. | Complaints Manager | End March 2019 |

Appendices

None.

Background Papers

No background papers were used in the preparation of this report.

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