

## **Committee: Standards Committee**

**Date: 24 October 2013**

Agenda item:

Wards: All

### **Subject: Annual Complaints report**

Lead officer: Karin Lane, Head of Information Governance

Lead member: Independent Chair of the Standards Committee

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#### **Recommendations:**

1. That Members note the contents of the report.
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### **1. Purpose of report and executive summary**

- 1.1 To give Members an overview of the issues residents and customers felt strongly enough to complain about. Complaints are a valuable tool in helping to understand resident's and customers expectations of service delivery and should be an essential part in identifying service improvements across the council. Details of Member and MP enquiries are also included.

### **2. Details**

- 2.1 Data for the annual report has been extracted from the departmental spreadsheets put in place by the Complaints Team.
- 2.2 The formal complaints procedure response timescales are:-
  - Stage 1 complaints within 15 working days; and
  - Stage 2 complaints within 20 working days.
- 2.3 Social services have different statutory timescales with Adult Social Care subject to a single stage review with a flexible timescale to be confirmed within 10 days and Children's Social Care subject to a 3 stage process with Stage 1 within 10 working days, Stage 2 within 25 working days and Stage 3 within 30 working days.
- 2.4 The complaints procedure was amended at the start of the 2012/13 financial year to make it a two stage procedure in line with Local Government Ombudsman guidance and current best practice.

- 2.5 To make it easier for people to submit a complaint, a single point of contact for all telephone and email complaints was introduced and promoted on the council's website.

### 3. Complaints

- 3.1 The council received a total of 828 complaints in 2012/13.

	<b>Stage 1</b>	<b>Stage 2</b>	<b>Total</b>
<b>Corporate Services</b>	236	31	<b>267</b>
<b>Children, Schools and Families</b>	60	6	<b>66</b>
<b>Environment and Regeneration</b>	341	38	<b>379</b>
<b>Community and Housing</b>	107	9	<b>116</b>
<b>Total</b>	<b>744</b>	<b>84</b>	<b>828</b>

- 3.2 The council received a total of 744 Stage 1 complaints in 2012/13 across all departments. This is a slight increase from 2011/12 where 734 Stage 1 complaints were received.

	<b>2011/12</b>	<b>2012/13</b>	<b>% Variance</b>
<b>Corporate Services</b>	210	236	12.4%
<b>Children, Schools and Families</b>	139	60	-56.8%
<b>Environment and Regeneration</b>	271	341	25.8%
<b>Community and Housing</b>	114	107	-6.1%
<b>Total</b>	<b>734</b>	<b>744</b>	<b>1.4%</b>

- 3.3 The council received a total of 84 Stage 2 complaints in 2012/13 across all departments. Stage 2 complaints have increased from only 48 in 2011/12. There has been a significant increase in Stage 2 complaints in Corporate Services, relating to bailiff action and council tax.

	<b>2011/12</b>	<b>2012/13</b>	<b>% Variance</b>
<b>Corporate Services</b>	13	31	138.5%
<b>Children, Schools and Families</b>	3	6	100%
<b>Environment and Regeneration</b>	27	38	40.7%
<b>Community and Housing</b>	5	9	80.0%
<b>Total</b>	<b>48</b>	<b>84</b>	<b>75.0%</b>

- 3.4 No Stage 3 complaints were received by Children's Social Care in 2012/13.

- 3.5 There has been an improvement in responding to Stage 1 complaints on time, but an overall decrease in responding to Stage 2 complaints on time. It should be noted that complaints about children's social care, which fall under Children, Schools and Families, are usually very complex. In these cases, the response deadline can be extended. Currently, there are no statistics to show how many of these complaints have had the response deadline extended, but these will be presented in future reports.

	2011/12		2012/13	
	% Stage 1 On Time	% Stage 2 On Time	% Stage 1 On Time	% Stage 2 On Time
<b>Corporate Services</b>	82.7%	90.0%	93.6%	83.9%
<b>Children, Schools and Families</b>	62.2%	100%	59.3%	28.6%*
<b>Environment and Regeneration</b>	81.1%	81.5%	90%	84.2%
<b>Community and Housing</b>	78.6%	100%	89.4%	100%
<b>Total</b>	<b>80.2%</b>	<b>90.7%</b>	<b>88.7%</b>	<b>81.2%</b>

\*For 12/13 there were seven Stage 2 complaints

- 3.6 The council upheld / partially upheld 269 complaints in 2012/13, 32.5% of the total received, compared to 61 (7.8%) in 2011/12. However, recording whether complaints were justified or not, was only introduced across all departments for 2012/13, so there is no comparative data.

	2011/12		2012/13	
	Upheld	Partially upheld	Upheld	Partially upheld
<b>Corporate Services</b>	25	25	38	12
<b>Children, Schools &amp; Families</b>	0	0	4	3
<b>Environment &amp; Regeneration</b>	Not recorded	Not recorded	143	45
<b>Community &amp; Housing</b>	4	7	20	4
<b>Total</b>	<b>29</b>	<b>32</b>	<b>205</b>	<b>64</b>

- 3.7 The Complaints Team received 223 compliments on departmental service delivery.

<b>Corporate Services</b>	79
<b>Children, Schools &amp; Families</b>	26
<b>Environment &amp; Regeneration</b>	18
<b>Community &amp; Housing</b>	100
<b>Total</b>	<b>223</b>

- 3.5 The Complaints Team have worked closely with service areas where there are a large number of complaints, to identify any trends or problem areas that need to be addressed.
- 3.6 The Complaints Team have held networking meetings and training sessions for key officers that deal with complaints and have also worked closely with service areas to look at how dealing with complaints and improving turnaround times can be improved. A Data Quality checking template is sent to all officers dealing with complaints, to ensure all aspects of the complaint are addressed.

## 4. Policy and Informal Complaints

- 4.1 Policy complaints are defined as “expressions of dissatisfaction with the council’s policy in a specific service area, as opposed to the council’s failure to meet its service standards”. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal.
- 4.2 The Complaints Team have worked closely with departments in ensuring that when a complaint is classed a policy complaint, that the service user is signposted to the relevant policy.
- 4.3 Thirty three Policy complaints were received in 2012/13, a decrease from 44 in 2011/12.

<b>Corporate Services</b>	15
<b>Children, Schools and Families</b>	1
<b>Environment and Regeneration</b>	16
<b>Community and Housing</b>	1
<b>Total</b>	<b>33</b>

- 4.3 Of the 15 Policy complaints Corporate Services received five related to delays or turnaround time for Housing Benefit payments and three related to court summons. The rest related to:
- Housing Benefit assessment;
  - Council tax liability;
  - Costs being added to a council tax bill;
  - Housing benefit not being restarted;
  - Current situation with housing benefit and housing;
  - Non-response; and
  - Back payments.
- 4.4 Of the 16 Policy complaints Environment and Regeneration received four related to payments and charges for parking, two related to noise nuisance from neighbours and two related to waste charges. The rest related to:-
- Bay suspensions;
  - Merton’s interpretation of the Party Wall Act;
  - Not supplying grit bins;
  - Size of recycling bins;
  - Timings of waste collection;
  - What waste would be collected;
  - Fly-tipping on private property; and
  - Garden waste collections.

- 4.5 Community and Housing and Children, Schools and Families each received 1 policy complaint which related to concessions at Merton Adult Education and education grants.
- 4.7 Defining complaints correctly is key in ensuring complaints are dealt with effectively. Informal complaints are now monitored by the Complaints Team to demonstrate levels of contact by customers where the problem is considered easily resolvable quickly or where the customer was not sure how to contact the appropriate service to deal with a matter so contacted the Complaints Team. These enquiries are then directed to the relevant service area to allow them to correct a perceived failure.

## 5. Customer Base Information

- 5.1 The customer base information for the areas where most complaints are received is detailed below, to demonstrate the comparative low numbers of complaints against service users:-

Service Area	Customer base (approx)	Complaints received*	%
<b>Customer Services</b> (inc. Revs & Bens)	85,000	256	0.3%
<b>Waste Refuse, recycling &amp; food</b>	255,000	242	0.001%
<b>Garden Waste</b>	4155	49	0.01%
<b>Housing Needs</b> (no. of people on register)	7,800	43	0.55%
<b>Social Care and Youth Inclusion</b>	50,000	39	0.001%

\*Figures include informal, Stage 1 and Stage 2 for the relevant service areas only.

## 6. Local Government Ombudsman Enquiries

- 5.1 The council received 18 Local Government Ombudsman (LGO) complaints, a significant reduction compared to 32 received in 2011/12. However, the LGO has changed the way in which they enquire, categorise and request complaints. The LGO had contact with a total of 41 complainants giving advice and investigating complaints. The average for London Boroughs is 79 complaints per year.
- 5.2 The LGO no longer provides the detailed data to local authorities it did in previous years, so the data is taken from the council's own recording. Response times to LGO complaints have decreased slightly from an average of 26.6 days in 2011/12 to 26.1 days. The LGO generally uses a 28 day timescale but this is not always the case.

- 5.3 The LGO has introduced a new robust intake and assessment process, which requires councils to deal with potentially premature complaints or those that can be dealt with quickly at the assessment phase more quickly. This includes asking the council to take some action which will avoid the need for an LGO investigation.
- 5.4 Although there has been a significant increase in Stage 2 complaints, there has been a decrease in the number of Stage 2 complaints escalating to the LGO in 2012/13.
- 5.5 The LGO investigation team decisions were as follows:-

<b>To discontinue investigation</b>	9
<b>Investigation not initiated</b>	1
<b>Investigation complete and satisfied that the authority actions and not appropriate to issue report</b>	5
<b>Investigation not complete</b>	1
<b>Mal-administration causing injustice - report</b>	1
<b>Re-opened complaint</b>	1

- 5.6 The LGO received 5 premature complaints in 2012/13, a decrease from 38 premature complaints in 2011/12. A premature complaint is defined as when the council has not had a reasonable opportunity to deal with the complaint itself. However, due to the changes in the way the LGO deals with complaints this number is not comparable to last year.
- 5.7 The LGO has introduced a 'Not Pursued' category of which the council had 9 and 'enquiry' which the council received 9.
- 5.8 The council received a report of Mal-administration causing injustice for a complaint regarding charging for Adult Social Care services. The complaint was received in 2012/13 and completed 2013/14. [http://www.merton.gov.uk/council/complaints/lgo\\_final\\_report\\_for\\_publication.pdf](http://www.merton.gov.uk/council/complaints/lgo_final_report_for_publication.pdf). This is to be reported to Cabinet on 21 October 2013.

## **7. Benchmarking**

- 7.1 The complaints team is now working with a London wide complaints groups to share best practice.
- 7.2 There has been no benchmarking against the numbers of complaints received by neighbouring boroughs, because the recording of complaints varies greatly so there is no real comparative data which is of value.
- 7.3 Several London boroughs are reintroducing an annual complaints reports for the next financial year.

## **8. Members and MP Enquiries**

- 8.1 The total number of Member and MP enquiries received in 2012/13 was 2,339, this is a decrease from 2,997 received in 2011/12:-

<b>Service</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Corporate Services</b>	580	300
<b>Children Schools and Families</b>	176	159
<b>Environment and Regeneration</b>	1,506	1,156
<b>Community and Housing</b>	735	724
<b>Total</b>	<b>2,997</b>	<b>2,339</b>

- 8.2 Of the 300 received for Corporate Services, the majority, 254, related to Revenues & Benefits.
- 8.3 Of the 159 received for Children Schools & Families, the majority, 58, related to School Admissions and 26 for SEN.
- 8.4 Of the 1156 received in Environment & Regeneration, the majority, 309, related to Traffic & Highways and 283 for waste services issues.
- 8.5 Of the 724 received for Community and Housing, the majority, 622, related to Housing Needs.

## **9. Next Steps**

- 9.1 The Complaints Team will analyse why the number of Stage 2 complaints have increased by such a high volume.
- 9.2 The Complaints Team will review the corporate and department procedures for dealing with complaints, Member enquiries and new legislation impacting on complaints.
- 9.3 The Complaints Team will monitor response times on children's social care complaints where the response deadline has been extended.
- 9.4 The Complaints Team will report on the number of upheld / partially upheld on both Stage 1 and Stage 2 complaints.

## **10. Alternative options**

- 10.1 Not applicable.

## **11. Consultation undertaken or proposed**

11.1 The Complaints Officers were consulted on this report.

## **12. Timetable**

12.1 Dependant on receipt of the LGO annual letter as they are changing the way they report back.

## **13. Financial, resource and property implications**

13.1 £2,510 has been paid in total during 2012/13 in compensation or in settlement for complaints. This is made up of payments ranging from £40 to £500. This is a significant decrease from £5,682 in 2011/12.

## **14. Legal and statutory implications**

14.1 The council has a number of legal and statutory obligations with regard to complaints, in Community Care and Children, Social Services. However, there is no statutory requirement to publish this report.

## **15. Human rights, equalities and community cohesion implications**

15.1 All officers involved in dealing with complaints must be mindful of ensuring a consistent approach in dealing with complaints in line with Equalities principles.

15.2 All complaints where there has been an allegation of discrimination or harassment are reviewed by the Equalities and Community Cohesion Officer. One complaint in 2012/13 alleged discrimination but this was not upheld.

## **16. Risk management and health and safety implications**

16.1 Poor complaint handling could be a reputational risk to the council and also incur compensation payments to complainants.

## **17. Appendices – the following documents are to be published with this report and form part of the report**

17.1 None.

## **18. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report**



18.1 None.

## **19. Report author**

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