

MAJOR REVIEW - COUNCIL'S CORPORATE COMPLAINTS PROCEDURE - CONSIDERATION OF RECOMMENDATIONS

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REASON FOR ITEM

To discuss the evidence which has been received during the review and to give consideration to the options which are available to the Committee, in terms of possible recommendations.

OPTIONS OPEN TO THE COMMITTEE

- 1. To consider the evidence which the Committee has received during the review and to suggest an option for officers to develop to enable recommendations to be put forward to Cabinet for consideration.**

BACKGROUND

1. On 16 July, 2014 the Committee began a review into the Council's Corporate Complaints procedure. Witness sessions took place on 16 July, 16 September and 29 October 2014 when the Committee received evidence from the following witnesses:
 - Dan Kennedy - Head of Performance and Improvement
 - Ian Anderson - Complaints and Service Improvement Manager (Administration)
 - Nigel Dicker - Deputy Director - Public Safety & Environment - (Residents Services)
 - Richard Shaw - Investigator for Local Government Ombudsman Office
 - Michelle Gleeson - Customer Liaison Manager (Residents Services)

Objectives of the Review

2. The aim of the review was to examine the effectiveness of the Council's Corporate Complaints Procedure and to propose improvements and enhancements which could be made to the procedure to improve this important aspect of customer service to the Borough's residents. The priority for the review was to look at finding a procedure which produced a faster resolution to complaints for residents.

Reasons for the Review

3. Dealing with complaints is a key part of effective customer service delivery. This Council aims to make it as easy as possible for people to provide feedback and the Council aim to resolve all complaints at the earliest opportunity. This Council's complaints procedure is, therefore, designed to ensure that complaints are dealt with openly, flexibly and in a timely way. The reason for this review was to assess whether the current Corporate Complaints procedure is accessible, user friendly, resolution focused and effective.

A summary of the evidence

4. For Members information the evidence which was considered at the three meetings is attached as **Appendix A** to this report. However, a summary of the key evidence which Members may want to focus on is as follows:-
 - the Council's emphasis is to resolve issues and concerns quickly usually through discussion and avert the need to escalate these to a formal complaint;
 - volumes of formal complaints are low in comparison to the services the Council provides. For example the total number of Stage 1 housing complaints for 2013/14 was 175 but the repairs service alone carries out 400 housing repairs each week;
 - overall there has been a small increase in Stage 1 complaints when comparing 2012/13 of 484 with 2013/14 of 516. However, there have been significant increase in complaints in the Housing and Council Tax services as a result of changes in the Housing Allocation Policy, increase in housing repairs as a result of the poor weather, the introduction of the Council Tax Reduction Scheme and national welfare changes;
 - there has been a significant increase in the volume of both Stage 2 and Stage 3 complaints comparing 2012/13 with 2013/14 (Stage 2 from 41 to 99, Stage 3 from 14 to 50);
 - There was evidence to suggest that some complaints unnecessarily filtered through the three stage process when it was clear that the complaint related to a Council policy which a complaint could not overturn. The LGO Inspector advised that the complainant should be advised that their complaint could be submitted direct to the LGO, provided it had been through at least one stage of the Council's Complaints procedure;
 - There were training needs in some areas to enable officers to handle complaints and to use intervention, if possible, to resolve complaints at the earliest stage.
5. The evidence given by the Local Government Ombudsman officer was that they received 93 enquiries for Hillingdon for 2013/14 which is roughly 40% less than the average for London of 151. Whilst the Council is doing better than most other London Boroughs to resolve issues and stop them escalating to the Ombudsman, his personal view was that a 2 Stage complaint process was preferable.

The Corporate Complaints Procedure - What the Council has now

6. The Council's current Corporate Complaints Procedure covers the following Council service areas:- Housing, Housing Benefit, Council Tax, Education Services, Resident Services (Planning, Environment, Anti Social Behaviour, etc) and Administration and Finance. The review did not look at the complaint procedures that were set by statute such as the Children and Adults Service complaints procedure.
7. The present complaint procedure comprises of the following stages:-
 - **Informal Complaints (Service requests)** - Officers try to resolve enquiries/concerns as quickly as possible through discussion.

- **Stage 1** – The Head of Service or Deputy Director will investigate and aim to respond to complaints within 10 working days.
 - **Stage 2** – The Director will investigate and aim to respond to complaints within 10 working days.
 - **Stage 3** – The Chief Executive will review the previous decisions and decide if they were fair and reasonable and aim to respond within 15 working days.
8. If a complainant remains dissatisfied they can then escalate their complaint to the Housing Ombudsman for housing complaints and everything else to the Local Government Ombudsman.

A Two Stage Complaints Process

9. During the review, the Committee received information on the option of a Two Stage Complaints procedure. Members were informed that a number of local authorities operated a two stage procedure. These included Warwickshire County Council, Derbyshire County Council, Liverpool City Council, the London Boroughs of Redbridge, Croydon, Richmond, Haringey, Hackney, Islington and Brent.
10. A typical example is at Brent where officers try and resolve the complaint quickly or if it is clear that the matter needs to be formally investigated, the complaint will be referred to the relevant department for a **Local Resolution investigation (LR)**.
- **Stage 1 - Local Resolution (LR) - Investigation of the complaint by the department concerned**
11. The relevant Head of Service will have responsibility for ensuring the investigation complies with standards. The response is signed by the Head of Services or Assistant Director / Director who will inform the complainant of their right to request a final review of their complaint if they remain dissatisfied. The Head of Service may refuse to investigate a complaint if they consider that the complainant has not provided a sufficient basis for undertaking an investigation.
- **Stage 2 - Final Review - further investigation by the Chief Executive**
12. Complainants who remain dissatisfied after their complaint has been considered at the LR stage can request that a final review of their complaint be carried out. Final reviews are conducted independently from the department by the Corporate Complaints Manager on behalf of the Chief Executive.
13. The Corporate Complaints Manager may refuse to undertake a review if they consider that the complainant has not provided a sufficient basis for undertaking a further investigation. Where the decision is taken not to undertake a final review, the complainant is told that they can ask for their complaint to be considered by the Local Government Ombudsman. This model mirrors other Stage 2 processes.

14. To help Members, officers have provided a summary of possible options for discussion.

Options

1. **Retain current 3 stage Corporate Complaints procedure as is.**
2. **Retain current 3 stage Corporate Complaints procedure with modifications.**
3. **Remove one of the complaint stages and introduce a 2 stage complaint procedure.**

Option 1 - Retain current 3 stage Corporate Complaints procedure as is

Advantages	Disadvantages
<ul style="list-style-type: none"> • Statistics show that each stage of the complaint process does what it is designed to do i.e. reduce the number of complaints escalating up the stages and onto the Ombudsman i.e. 2013/14 figures show 516 Stage 1 complaints, of these 99 escalated to Stage 2, and of these 50 escalated to Stage 3. • Tried and tested (safe) process that generally works well and historically is used by many Local Authorities. Little risk of reputational damage. • Important for Assistant/Director's to be aware of what is happening in their service area and gives them an opportunity to intervene, take a fresh look at the concerns and see if they can resolve the complaint - 50% of complaints registered during 2013/14 were resolved at Stage 2. 	<ul style="list-style-type: none"> • Does not represent VFM - the evidence indicates that the decision remains largely unchanged for those complaints that escalate from Stage 1 to 2 and from Stages 1, 2 and 3. • For each stage, there is a cost implication i.e. complainant time in submitting a complaint and staff time in investigating and responding to the complaint. • More hoops for people to overcome as it requires complainants to go through all three stages before escalation to the Ombudsman - some will not pursue their complaint through fatigue. • Not flexible as some customers will want to escalate their complaint as quickly as possible to the Ombudsman on the basis that they do not believe an internal complaint service to be independent.

Option 2 - Retain current 3 stage Corporate Complaints procedure with modifications

Advantages	Disadvantages
<ul style="list-style-type: none"> • The process can be freshened up/improved to include verbal or e-mail contact with complainants as part of the Stage 1 complaint investigation - focusing on what it is that is needed to resolve the complaint to the complainant's satisfaction. • Gives managers/Assistant Directors/Heads of Service the flexibility to fast track a complaint to the Ombudsman direct from Stage 1 rather than forcing a complainant to go through Stages 2 and 3. This particularly applies to complaints relating to policy decisions where a statutory appeal process already exists. This approach will significantly reduce the volume of housing, housing benefit and council tax complaints from escalating to stages 2 and 3. • More customer focused as it empowers complaint teams to manage the process and ensure that the complaint is taken forward in a way that suits the customer and the Local Authority. • Little risk of reputational damage because if the Ombudsman does not agree with an early referral they can direct that we investigate at Stages 2 and/or 3. 	<ul style="list-style-type: none"> • There is risk of criticism from the Ombudsman if they feel that an early referral was inappropriate. • More work for the complaint teams in managing the process and the need for managers to take a proactive approach. • For those complaints that do escalate through all three stages, the staff time involved in investigating and responding is more costly than a two stage process. • The complaint process may not be clear to complainants if we have a flexible complaint process i.e. when complaints will be fast tracked (early referral) to the Ombudsman.

Option 3 - Remove one of the complaint stages and introduce a 2 stage complaint procedure.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Simpler and easier procedure for customers/residents to understand and use with fewer hoops for a complainant to navigate. Will reduce "complainant fatigue" • By removing a stage it saves staff time (and cost) in investigating and responding to complaints, particularly as the evidence suggests that the Stage 2 response is often a repetition of the Stage 1 response. • Focuses manager's minds on the need to resolve complaints rather than escalating up the chain. • A longer timescale for Stage 1 will enable officers to speak to the complainant in an attempt to resolve issues • A two stage complaint process can be quicker but it depends on the timescale set for each stage. For example 1) London Borough of Barnet have moved to a 2 Stage complaint process but set the time target for Stage 1 at 20 working days and Stage 2 at 30 working days. 2) London Borough of Hackney has not set any timescale for Stage 1 as this will be assessed and Stage 2 at 20 working days. Our current 3 stage complaint process is 35 working days in total. This issue will need to be carefully considered. • By moving to a 2 Stage complaint process this will result in the standardisation of our processes, literature, systems and communications. 	<ul style="list-style-type: none"> • Uncertainty about the potential increase in volumes of complaints escalating to Stage 2 and whether this is manageable, the impact on those staff (currently Democratic Services) who undertake this role and our ability to respond on time. • Potential for reputational damage if the process does not work or if significantly more complaints escalate to the Ombudsman. • Additional workload for managers/complaints team at Stage 1 to resolve complaints and stop it escalating to Stage 2. • Initially, additional work for the complaint teams in standardising internal processes/systems and documentation sent externally. • Any change in procedure will require wider consultation as part of the Council's Equality Impact Assessment - to seek views on the impact or likely impact of any changes we propose particularly if we decide to give ourselves more time to conclude a complaint.

Evidence from 16 July 2014 meeting

Members were informed that there were four complaints procedures which operated within this Council.

- Complaints made by children or on their behalf were governed by the Children Act 1989, Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No. 1738).
- Adults' services complaints were managed in line with the 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009'.
- All other complaints were dealt with under the Corporate Complaints Procedure.
- All complaints received by the Council regarding its public health functions were handled in accordance with The NHS Bodies and Local Authorities (Partnership Arrangement Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

The Committee was informed that the first three complaint procedures were set by statute and the Council was required to follow legislation with little scope for doing otherwise.

The Corporate Complaints procedure which was the subject of the review was different because it was agreed locally. Members were informed that this procedure currently operated under the following stages:

- **Informal Complaints (Service requests)**

At this stage, officers tried to resolve enquiries and concerns as quickly as possible by discussing the problem with the complainant.

- **Stage 1 – Response from the Head of Service or Deputy Director**

Officers acknowledged Stage 1 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 10 working days.

- **Stage 2 – Response from the relevant Director**

If a complainant was dissatisfied with the response, he/she could ask for their complaint to be reviewed at Stage 2 stating the reason for their dissatisfaction with the response.

Officers acknowledged Stage 2 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 10 working days.

- **Stage 3 – response from the Chief Executive of the Council**

If a complainant was dissatisfied with the response, he/she could ask for their complaint to be reviewed at Stage 3 by the Chief Executive. The complainant had to state the reason why they were dissatisfied with the response given at Stage 2.

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The Chief Executive acknowledged Stage 3 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 15 working days.

- **Stage 4 - Designated Person for the Council (for housing complaints only)**

If the complaint was about a tenancy, leasehold or other housing management issue, this could be referred to a 'Designated Person'. If a complaint was still not resolved, the complainant was advised to take their complaint to the Housing Ombudsman for Housing complaints with all other complaints being directed to the Local Government Ombudsman (LGO).

Members were informed that the Council service areas which were covered by the Corporate Complaints Procedure were:-
Housing, Housing Benefit, Council Tax, Education Services, Resident Services (Planning, Environment, Anti social behaviour, etc), Administration and Finance.

The Head of Performance and Improvement provided Members with a number of relevant statistics and the stand out ones were that there had been a 42% increase in housing stage 1 complaints and a large increase in Finance complaints. Members were informed that these complaints had increased because of the recent changes in the Council's Housing Allocation Policy and the recent Welfare changes.

The Committee was also informed that the LGO received 93 enquiries / complaints about Hillingdon last year which had been less than the average for London (151 enquiries / complaints on average - nearly 40% less in Hillingdon than average).

Members were informed that the LGO received a similar numbers of enquiries / complaints about adult social care and benefits/tax about Hillingdon to other London Boroughs, but much fewer than the London average for housing, transport and education / children's services.

In terms of the outcomes from complaints, 55% of those referred back to this Council for resolution were upheld - which was the average for all London Boroughs.

The Committee was encouraged to hear that the statistics indicated that the Council was doing more than many other London Boroughs to resolve issues at an earlier stage. This was evidenced by the LGO receiving fewer enquiries about this Council than others.

Discussion took place on particular aspects of the Complaints Procedure and Members asked that the review examine the following:-

- How does the Council learn from complaints?
- How does the Council use complaints from residents to implement improvements on service delivery?
- Any trends in complaints which may indicate a problem in a service
- What intervention takes place to mitigate against complaints being escalated?
- To review the literature and information contained on the Council's public website

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- To examine the compensation policy relating to complaints
- What training is given to Council managers on dealing with complaints?
- Best practice from other local authorities which could be applied to this Council's Complaints Procedure

Evidence from 16 September 2014 meeting

For this meeting Members were provided with copies of Annual Complaints reports for Children & Young People's Service and Housing Services and Adults' Services for 2013/14.

In addition, the Committee was provided with a breakdown of the last two years of complaints statistics to enable Members to examine if there were any trends which had developed.

The main issues raised were:-

For 2013/14 there had been a significant increase in the volume of both Stage 2 and Stage 3 complaints compared to the previous year (Stage 2 from 41 to 99, Stage 3 from 14 to 50).

Members were informed that the increase in complaints had been mainly from within the Housing and Council Tax services. The reasons for this sharp increase had been because of the changes in the Housing Allocation Policy, increases in housing repairs as a result of the poor weather and in relation to Council Tax complaints, the introduction of the Council Tax Reduction Scheme.

Reference was made to the large increase in the number of service requests within the Housing service and the need for officers to actively resolve some of the minor issues which had been registered as complaints. It was acknowledged that improvements were required to improve the complaint handling process.

Members were informed that some of the improvements which had been and would be introduced included:

- The sending of prompt reminders from the Complaints Team to ensure that complaints were responded to on time
- Providing monthly workshops for managers and relevant staff on tips on how to handle complaints and on the resolution of complaints at an early stage
- Better use of the intranet which would provide advice and guidance to officers on handling customer dissatisfaction and complaint procedures

Reference was made to the types of complaints which the Council received and the need to differentiate between simple service requests (example - the collection of refuse which had been failed to be collected) and more complex issues. This would be emphasised at training workshops to ensure all Council staff provided a consistent service to residents.

In relation to complaints about housing services, it was acknowledged that the number of complaints received was small when the number of residents who used the service was

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taken into consideration. For example on complaints regarding housing repairs, Members were informed that there were around 400 housing repairs carried out each work which put into perspective the number of complaints received.

Reference was made to complaints in relation to Council policy. An example would be whereby a resident had clearly not complied with the Council's Housing Allocation Policy and yet a complaint in this area would still proceed through the three stage complaints process.

The Committee was also reminded that the LGO had received 93 enquiries / complaints about Hillingdon last year which had been less than the average for London (151 enquiries / complaints on average - nearly 40% less in Hillingdon than average). In addition, Members were informed that the LGO received a similar numbers of enquiries / complaints about adult social care and benefits/tax about Hillingdon to other London Boroughs, but much fewer than the London average for housing, transport and education / children's services.

For the next stage of the review Members asked that the following areas be covered:

- The opinion of the Local Government Ombudsman (LGO) on what constitutes a good complaints procedure
- Comparisons with other local authorities complaints procedures
- Moving to a two stage process and the implications of this in relation to the number of complaints referred to the LGO
- Complaints in relation to Council policy, whereby the complaint did not dispute a decision as they had failed to meet policy, and whether these constituted complaints
- To review the Compensation which was paid out for complaints where the Council had admitted a failure in its service provided
- To look at the working day targets for each stage of the complaints procedure and to assess their appropriateness
- To assess, if possible, the costs to the Council in dealing with complaints i.e. the time spent by officers in all three stages during the process
- How well were the Council's policies such as the Housing Allocation Policy communicated in literature produced by the Council?

Evidence from 29 October 2014 meeting

For this meeting, the Committee was provided with evidence from Richard Shaw, an Investigator for the Local Government Ombudsman Office.

The Committee was provided with a summary of the key components of a good complaints procedure:-

- To enable residents to make officers and the Council accountable
- Where complaints have been justified, to enable Councils to address poor working practice and to improve services
- To have a clear and transparent process which enables a quick resolution to residents' complaints
- Dealing quickly with a complaint for the benefit of a complainant
- The less stages of a complaints process would eliminate repetitiveness and bring about a quicker resolution
- Service requests and appeals should be dealt with separately and outside the complaints process
- The focus should be on resolving complaints at the earliest opportunity
- There should be consideration given to the costs of dealing with complaints
- The key focus should be on customer care and customer satisfaction for residents
- A complaints process needs to be understood and publicised and accessible for residents
- There should be a common procedure to cover contractors
- Managers should be made responsible for dealing with complaints and should be empowered to proactively resolve complaints
- Managers should be given discretionary powers to remedy failures and to make apologies to complainants where necessary
- Officers should be given discretionary powers to offer compensation to remedy a failure
- Failures which have been highlighted by a complaint provided an opportunity to make improvements to services
- Regarding Council policy - caveats should be contained in complaints procedures which clearly stated that a complaint about Council policy which had been correctly applied should not be taken through the complaints procedure. Complaints could be advised to submit their complaint direct to the Local Government Ombudsman
- Directors should have sight and knowledge of complaints

Discussion took place on aspects of the evidence provided and reference was made to the various complaints which the Council received in relation to the Housing Allocation Policy and Housing Benefit and Council Tax decisions. Members were informed that complaints should still be considered regarding the application of policies, but not the actual policy itself. The importance was stressed of officers ensuring they correctly applied policies.

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Members were informed that these complaints did escalate through the present complaints procedure, but if changes were made to the complaints procedure, these types of complaints could be resolved at Stage 1 or be referred direct to the Ombudsman.

The LGO Investigator confirmed that complaints had to have gone through at least one stage of a local authority complaints procedure before being considered by the LGO.

The communication of Council policies was important and these should be clearly pointed out to residents. Relevant policies and the rules relating to Housing Benefit and Council Tax should be explained to complainants to ensure they understand the reasoning behind the decisions taken which have resulted in the complaint.

As previously mentioned at an earlier witness session, the Committee was informed that extra training would be provided for officers to enable a greater focus on resolution of complaints. A move to a two stage complaints procedure, with a longer timeline for Stage 1, would enable intervention work to take place and give officers an opportunity to try to resolve the complaint to the satisfaction of the resident.

Members were informed that there were cost implications for dealing with complaints in terms of officer time in dealing with complaints through the 3 stage process. An early intervention and attempts to resolve complaints would be beneficial for the Council and for the complainant.

Reference was made to a number of local authorities which had moved to two stage complaint procedure which consisted of flexible first stages whereby contact was made with the complainant with the focus on resolving the issue which had been raised.