

## ANNUAL COMPLAINT & SERVICE MONITORING REPORT FOR 1 APRIL 2018 TO 31 MARCH 2019 – INCLUDING EDUCATION COMPLAINTS

<b>Committee name</b>	Residents, Education and Environmental Services Policy Overview Committee
<b>Officer reporting</b>	Ian Anderson - Business Manager, Complaints and Enquiries
<b>Papers with report</b>	Appendix A, B and C
<b>Ward</b>	All

### HEADLINES

To provide information to the Committee on key complaints and related service monitoring data.

### RECOMMENDATIONS:

**That the Committee note the contents of the report and provide any comments to officers as appropriate.**

### SUPPORTING INFORMATION

This report provides information and analysis of complaints and Members' Enquiries received between 1 April 2018 and 31 March 2019. It also provides details of complaints in relation to Education Services, satisfying the requirement to publish such annual information. It includes

- Appendix A: Background to the complaints process
- Appendix B: Complaints, compliments and Members' Enquiries trends for 2018/19
- Appendix C: complaints report for Education Services for 2018/19

### Implications on related Council policies

A key role of the Policy Overview Committees is to monitor the performance of council services within their remit. Policy Overview Committees may also recommendations on service changes and improvements to the Cabinet who are responsible for the Council's policy and direction.

### How this report benefits Hillingdon residents

This report seeks to provide assurance that complaints and Members' Enquiries that emanate from residents are being processed in accordance with the Council's published policies.

### Financial Implications

There are no direct financial implications associated with this report.

### Legal Implications

None.

## **BACKGROUND PAPERS**

NIL.

## **APPENDIX A**

### **Background to the complaints process**

#### **1. The Council's Vision**

The Council's vision is about 'putting our residents first'. Feedback in the form of complaints and compliments is seen as a very important source of information from residents about the quality of services and care provided by the Council. In cases where something has gone wrong, we are committed to putting it right and ensure that it does not happen again.

#### **2. What is a Complaint?**

In general terms a complaint can be considered as:

*"an expression of dissatisfaction by telephone, personal visit or in writing, about the standard of service, actions or lack of action by the Council or its staff affecting an individual or group of customers."*

#### **3. How can people complain?**

Complaints can be made in person, by telephone, in writing, via our website or email, either directly to the service area, Contact Centre or to the Complaints and Enquiries Team.

#### **4. Remedies for redress**

The purpose of redress is to remedy the injustice or hardship suffered and where possible to return a complainant to the position they would have been before the situation went wrong. Types of redress include:

- an apology;
- providing the service that should have been received at first;
- taking action or making a decision that the Council should have done before;
- reconsidering an incorrect decision;
- improving procedures so that similar problems do not happen again; and
- if after an investigation by council staff or the Ombudsman, it is concluded that as a result of maladministration there is no practical action that would provide a full and appropriate remedy or if the complainant has sustained loss or suffering, financial compensation may be the most appropriate approach.

#### **5. Mediation**

For some complaints it will not be appropriate, or possible, to resolve a complaint through the complaint process - particularly where there has been a breakdown in the relationship between the service provider and the service user or where emotions are running high. In such situations the Business Manager, Complaints and Enquiries will consider whether mediation is an option

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that should be considered. If both parties are agreeable, mediation by an independent mediator allows both parties to come together to see if they can reach a solution through dialogue.

## APPENDIX B

### COMPLAINTS, COMPLIMENTS AND MEMBERS' ENQUIRIES FOR 2018/19

#### 1. Total number of complaints/compliments recorded for 1 April 2018 to 31 March 2019

Directorate	Informal complaints	Stage 1 complaints	Stage 2 Complaints	Stage 3 complaints	Ombudsman Investigations	Compliments
Administration and Finance	108	235	27	0	12	2
Adult Social Care	76	40	N/A	N/A	9	68
Children and Young People's Services	91	55	2	0	5	52
Residents Services	2,481	507	44	0	59	112
<b>Total for 2018/19</b>	<b>2,756</b>	<b>837</b>	<b>73</b>	<b>0</b>	<b>85</b>	<b>234</b>
<b>Comparison - 1 April 2017 to 31 March 2018</b>	<b>3,077</b>	<b>860</b>	<b>56</b>	<b>1</b>	<b>75</b>	<b>54</b>

- Officers focus remains on addressing concerns raised informally and the figures above reflect this. We will continue to take this approach wherever possible.
- 3% (23) fewer Stage 1 complaints were registered when comparing the figure of 837 for 2018/19 with the figure of 860 for 2017/18.
- Of the 837 Stage 1 complaints registered, Residents Services accounted for 61% (507), Administration and Finance 28% (235), Adult Social Care 5% (40) and Children Services 7% (55).
- Of the 837 Stage 1 complaints, 9% (73) escalated to Stage 2. This suggests that 91% of formal complaints are being resolved at Stage 1.
- It is taking the Housing Ombudsman (HO) roughly 9 months and the Local Government and Social Care Ombudsman (LGO) between 3 and 6 months to conclude their investigations. For 2018/19, 85 enquiries were concluded by the HO and LGO which is roughly 10% of all Stage 1 complaints responded to during this period. There has been a small increase in the number of complaints considered by the Ombudsman from 75 for 2017/18 to 85 in 2018/19, this is not significant as 51 out of the 85 complaints were not investigated by the Ombudsman.
- During this period, 234 compliments were also recorded, which is a significant rise when compared with the 2017/18 figure of 54. This is as a result of articles in All Staff E-mail and Managers' Roundup.

- Officers continue to apply the revised Corporate complaints procedure (to escalate a complaint direct from Stages 1 and/or 2 to the Ombudsman where it is felt that the decision cannot be overturned through the complaint process). That is why volumes of Stage 2 and 3 complaints remain low.

## 2 Complaint outcomes - 1 April 2018 to 31 March 2019

The table below provides the outcome of all complaint investigations and at all stages of the complaint process.

Directorate		Upheld	Partially upheld	Not upheld	Withdrawn /discontinued	Did not investigate	Total
Administration & Finance	Stage 1	19	24	191	1	0	235
	Stage 2	0	1	26	0	0	27
	Ombudsman	1	0	0	0	11	12
Adult Social Care	Stage 1	5	7	25	3	0	40
	Ombudsman	1	1	6	0	1	9
Children & Young People's Services	Stage 1	5	18	28	4	0	55
	Stage 2	0	2	0	0	0	2
	Ombudsman	0	1	0	0	4	5
Residents Services	Stage 1	81	72	337	16	1	507
	Stage 2	3	7	34	0	0	44
	Stage 3	0	0	0	0	0	0
	Ombudsman	8	4	13	0	34	59
<b>Total for 2018/19</b>		<b>123</b>	<b>137</b>	<b>660</b>	<b>24</b>	<b>51</b>	<b>995</b>
<b>2017/2018</b>		<b>130</b>	<b>134</b>	<b>575</b>	<b>21</b>	<b>N/A</b>	<b>860</b>

- The volume of upheld (123) and partially upheld (137) complaints is low at 12% and 14% respectively when compared against the complaints not upheld figure of 660 (66%)
- Of the 85 complaints investigated by the Ombudsman, 10 were upheld, 6 partially upheld, 19 not upheld and 51 not investigated.
- Please note that in one investigation (LGO 17016682), a public report was issued by the LGO because they felt that the Council had not for example made reasonable adjustments to meet the complainant's needs. The Council accepted the findings and recommendations of the Ombudsman and have already taken a number of steps to address the concerns identified, including the need for all frontline staff to attend equality refresher training

## 3. Time taken to respond to complaints

Timeliness of response			
Directorate		Total number of complaints	Number and % responded to within target
Administration & Finance	Stage 1	235	231 (98%)
	Stage 2	27	26 (96%)
Adult Social Care	Stage 1	40	33 (83%)

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<b>Children &amp; Young People's Services</b>	<b>Stage 1</b>	55	42 (76%)
<b>Residents Services</b>	<b>Stage 1</b>	507	429 (85%)
	<b>Stage 2</b>	44	33 (75%)

- **Administration and Finance.** 231 (98%) out of 235 Stage 1 complaints were responded to within 10 working days and 96% of Stage 2 complaints were responded to within 10 working days. This directorate is set up slightly differently to other directorates in that they have an Appeals and Complaints Team whose remit is to deal with complaints and Members' Enquiries.
- **Adult Social Care.** 33 (83%) out of 40 Stage 1 complaints were dealt with within our internal 10 working day target. 39 (98%) out of 40 Stage 1 complaints were responded to within our published target of 20 working days.
- **Children Services.** 42 (76%) out of 55 Stage 1 complaints were responded to within 10 working days. An area for improvement.
- **Residents Services.** 429 (85%) out of 507 Stage 1 complaints were responded to within 10 working days.

#### 4. Residents Services

In view of the range of corporate services provided by Residents Services, a breakdown is provided below of the complaints received for each service area.

<b>Residents Services</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Ombudsmen</b>	<b>Compliments</b>
<b>ASBET</b>	41	8	0	4	0
<b>Education</b>	32	0	0	0	1
<b>Green Spaces includes Libraries</b>	26	1	0	7	15
<b>Highways</b>	46	2	0	4	3
<b>Housing</b>	157	26	0	16	67
<b>Planning and Building Control</b>	105	0	0	18	2
<b>Technical and Admin Support (Parking, Cemeteries)</b>	43	4	0	5	7
<b>Transport and Projects</b>	10	1	0	4	0
<b>Waste</b>	47	2	0	1	17
<b>Total</b>	507	44	0	59	112

- Housing accounts for 31% (157) of all Stage 1 complaints registered for Residents Services with Planning, Highways and Waste services next highest at 21% (105), 9% (47) and 9% (46) respectively.
- Of the 32 Stage 1 Education Service complaints, 29 related to complaints to Ofsted who then asked the Council to investigate. The remaining 3 complaints related to parents dissatisfaction with the handling or decision not to admit their child to a particular school by the School Placement and Admission Team.
- The number of compliments recorded has risen from 54 for 2017/18 to 112 for 2018/19. This is largely due to the number of compliments for the Repairs Team (67) which accounted for 60% of all compliments received for Residents Services.

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**5. Comparative benchmarking data on how Hillingdon compares against other neighbouring Local Authorities 1 April 2018 to 31 March 2019.**

**a. Children and Young People's Service**

Local Authority	Total number of Stage 1 complaints	Total number of Stage 2 complaints	Total number of Stage 3 complaints	Total Number of Ombudsman investigations
Barnet	38	1	0	4
Brent	79	12	0	1
Ealing	90	2	0	4
Buckinghamshire	44	11	3	3
Hillingdon	55	2	0	5
Islington	80	4	0	1

**b. Adult Social Care**

Local Authority	Total number of Stage 1 complaints	Total Number of Ombudsman investigations
Barnet	95	4
Brent	97	9
Ealing	109	5
Buckinghamshire	156	10
Hillingdon	40	9
Westminster	106	5

In comparison with the Local Authorities near to us, the volume of formal complaints for the above two areas is low. This is mainly due to the effort made by staff to bring about early resolution of a complaint at the informal stage and Stage 1 of the complaint procedures.

Comparative figures for Corporate complaints is not available as these are not published or shared amongst Local Authorities.

**6. Members' Enquiries**

Period	Residents Services	Social Care	Admin and Finance	Total
2017/18	8,110	205	187	8,502
2018/19	11,308	186	181	11,675

- 37% (3,173) more (overall) enquiries from Elected Members when comparing the figure for 2017/18 of 8,502 with the figure for 2018/19 of 11,675.
- Residents Services accounts for 97% of all enquiries from Elected Members. Waste Services (5,813), Planning and Building Control (1,891), Housing (1,240) and Green Spaces (1,050) receive the most number of enquiries from Elected Members.

- Adult Social Care and Children and Young People's Service received 117 and 69 enquiries from Elected Members, respectively. Whilst the number of enquiries is significantly lower than those received in Residents Services they tend to be more complex enquiries.
- The number of enquiries for Administration and Finance remains broadly similar for 2017/18 (187) and 2018/19 (181).

## **APPENDIX C**

### **COMPLAINT REPORT FOR EDUCATION SERVICES FOR 1 APRIL 2018 TO 31 MARCH 2019**

#### **EDUCATION AND SCHOOLS COMPLAINTS**

This report satisfies the requirements to publish annual information about complaints for Education Services.

#### **SUMMARY OF ANALYSIS**

##### **Informal Complaints**

- 20 informal complaints (service requests) were recorded for 2018/19.

##### **Formal Complaints**

- There were 32 Stage 1 complaints. 29 related to complaints from Ofsted or parents about the way their children had been dealt with by the school/college. 3 related to parents dissatisfaction with the handling or decision not to admit their child to a particular school by the School Placement and Admission Team.
- Of the 32 Stage 1 complaints, 1 was upheld, 1 partially upheld, 29 not upheld and 1 complaint was withdrawn. The average time taken to respond to a complaint is 10.84 working days against the target of 10 working days.
- There were no Stage 2 and 3 investigations.

##### **Local Government Ombudsman (LGO)**

- Four complaints were considered by the LGO during this period. The LGO decided not to investigate any of the complaints.

#### **DETAILED COMPLAINT REPORT**

Complaints about education and schools are governed by the Education Act 2002. The Local Authority will only deal with complaints that are education related such as the provision of the national curriculum, school admission appeals, exclusions, special educational needs assessments, child protection issues, allegations of child abuse, etc.

Complaints about the internal management of a school must initially be made in writing to the Head Teacher of the school. If this fails to resolve the issue, concerns should then be raised with the chair of governors. If a complainant remains dissatisfied they can then escalate their complaint

to the Department for Education and beyond that to the Parliamentary and Health Service Ombudsman via a Member of Parliament.

## **THE COMPLAINT PROCEDURE**

For those complaints where this local authority has a statutory duty to investigate, we will deal with these complaints under the corporate complaints procedure as follows:

- The Informal Complaint (service request)
- Stage 1 – response from the Director for Housing, Environment, Education, Performance Health and Wellbeing.
- Stage 2 – response from the Deputy Chief Executive and Corporate Director of Residents Services.
- Stage 3 – response from the Chief Executive of the Council.
- Local Government and Social Care Ombudsman.

A more detailed explanation of how the complaint procedure operates, the main complaint themes and statistical data for each stage of the complaint process is provided below.

### **A. THE INFORMAL COMPLAINT**

This local authority will attempt to consider all concerns as close to the point of contact as possible, and in cases where minor or day-to-day concerns are raised these are dealt with as service requests.

**Table 1 - Informal Complaints received – (Service requests)**

Year	1 April to 30 June (Q1)	1 July to 30 Sept (Q2)	1 Oct to 31 Dec (Q3)	1 Jan to 31 March	Total
2017/18	2	2	4	6	14
2018/19	8	2	6	4	20

43% (6) more complaints were dealt with by way of service requests when comparing 2017/18 figure of 14 with the 2018/19 figure of 20.

### **B. STAGE 1 – LOCAL RESOLUTION**

At Stage 1 the Director for Housing, Environment, Education, Performance Health and Wellbeing will aim to respond within 10 working days.

**Table 2 – Total number of complaints recorded**

Period	Total number
2017/18	33
2018/19	32

29 of the 32 complaints related to complaints submitted to Ofsted or direct from parents concerning the way their child(ren) had been dealt with by a school or college. In all complaints received, the concerns were raised directly with the Head teacher (safeguarding) but the outcome of the investigation was in almost all instances that this was a matter for the school to consider under their own complaint procedure.

**Table 3 - Outcome of complaints**

Period	Upheld	Partially upheld	Not upheld	Withdrawn	Total
2017/18	0	2	30	1	33
2018/19	1	1	29	1	32

The volume of upheld and partially upheld complaints is low, mainly because the concerns raised were a matter for a complainant to raise directly with the school or college.

**Table 4 – Time taken to respond to a complaint (working days)**

	2017/18	2018/19
Average time taken to conclude a complaint	9.36	10.84
Target	10	10
Variance	- 0.64	+ 0.84

The average time taken to respond to a Stage 1 complaint is 10.84 working days.

**Table 5 - Number and % of complaints responded to within 10 working days**

Period	Total number of complaints	Number dealt with within 10 working days	% dealt with within 10 working days
2017/18	33	28	85 %
2018/19	32	25	78%

The seven complaints that missed the 10 working days target all related to the investigation being put on hold or delayed because the school was closed during school holidays and officers could not begin the investigation until the school re-opened.

### **c. STAGE 2 AND 3 COMPLAINTS**

At Stage 2, the Deputy Chief Executive and Corporate Director of Residents Services will aim to respond to Stage 2 complaints within 10 working days. At Stage 3, the Chief Executive commissions an investigation by an officer in Democratic Services and the aim is to respond within 15 working days.

There were no Stage 2 and 3 complaints registered for this period.

### **d. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGO) INVESTIGATIONS**

Where it appears that a Council's own investigations have not resolved the complaint, the complainant is entitled to refer their complaint to the LGO and at any stage of the complaint process.

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**Table 6 – Total number of LGO investigations**

Period	Total Number
2017/18	1
2018/19	4

The table below shows the four complaints considered by the LGO and the outcome of their investigations.

Complaint details	LGO decision
<p><b>Complaint ref: 6863163</b> Ms X complained that the Council had wrongly issued penalty notices to her daughter for her children not attending school regularly. She says there were good reasons she and her daughter took the children out of school despite their head teachers refusing permission, and the Council has failed to consider them.</p>	<p><b>Did not investigate</b> The Ombudsman cannot achieve the result Ms X want. It is for the courts to consider the merits of Ms X daughter's defence against the offence of not causing her children to attend school.</p>
<p><b>Complaint ref: 6751407</b> Mr X complained that social worker had failed to take into account his children's wishes and that she acted with bias.</p>	<p><b>Did not investigate</b> It concerns matters which have been decided in court and the law prevents the Ombudsman from investigating such matters.</p>
<p><b>Complaint ref: 6810892</b> Mr and Mrs X complained that the Council mishandled their application for a primary school place for their son which resulted in him losing out on admission to their preferred school. They complained that the Council unreasonably failed to process their application based on their new address, and then provided the wrong address to the authority which dealt with admissions to their preferred school</p>	<p><b>Did not investigate</b> The Ombudsman informed Mr and Mrs X that he did not have grounds to investigate this complaint. This is mainly because we could not achieve a worthwhile outcome for the parents by investigating their case.</p>
<p><b>Complaint ref: 6828065</b> Miss X complained that the documents for her appeal case against the refusal of</p>	<p><b>Did not investigate</b> The Ombudsman did not investigate this matter because there was no evidence of fault causing injustice to the complainant.</p>

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admission for her son to her preferred school were sent out late. Consequently the Independent Appeal Panel (IAP) hearing only had four days in which to consider them.

**f. LEARNING FROM COMPLAINTS**

No changes or service improvements were made as a result of these complaints.

**g. COMPLIMENTS**

**Table 13 – number of compliments received**

Period	Total number
2017/18	2
2018/19	1

**Here's what one person said about your service:**

*"As this term draws to a close I wanted to email you to say thank you for your help with JS and WT this term. JS has settled into Reception far better than we ever thought and is clearly enjoying school. Using the strategies you have suggested, we have seen him make progress week by week. WT is unrecognisable from where he was back in October. If it wasn't for your support I do feel I would have excluded him by now. The level of aggression and unpredictability we were experiencing made each day very difficult. Working with you and putting your suggestions into place now mean we can manage him in our environment (even if it is still very difficult some days - fingers crossed the early intervention funding comes through). He has made SO much progress. I feel strongly that if it wasn't for the xx team, the numbers of exclusions in the LA would be on the rise".*