

30 October 2013		ITEM 5
Children's Services Overview & Scrutiny Committee		
2012/13 ANNUAL COMPLIMENTS, COMPLAINTS & ENQUIRIES REPORT		
Portfolio Holder: Cllr Val Morris-Cook, Portfolio Holder for Housing		
Wards and communities affected: All	Key Decision: Non Key	
Accountable Head of Service: Director Accountability (see below)		
Accountable Director: Jackie Hinchliffe – Head of HR, OD & Customer Strategy		
This report is: Public		
<p>Purpose of Report: The purpose of this report is to:</p> <ol style="list-style-type: none"> 1. Detail complaints and compliments statistics for 2012/13 2. Detail complaints dealt with by the Local Government Ombudsman (LGO) 		

EXECUTIVE SUMMARY

Corporate Complaints:

- There has been a 34% increase in complaints compared to 2011/12 (statistics shown in 3.1.1 below). The primary reason for this is due to a significant increase in housing repair complaints.
- The service areas that received the highest volume of complaints are shown below. However these services will always receive the highest volume of complaints, due to the nature of the services and the number of residents that these services are provided to.
 - Missed Bin collections
 - Housing Repairs
 - Council Tax
- During 2011/12, 97% of complaints were responded to within timeframe. This year (2012/13) our performance has dipped to 91%. The cause of this dip is due to Morrison not providing complaint responses within timeframe. If Morrison complaints were excluded our overall performance would have been 97%.

- There has been a reduction in external compliments received. During 2012/13, 498 external compliments were received (compared to 527 for 2011/12)
- Our LGO performance in responding to enquiries has continued to improve. The average response time has reduced to 15 days compared to 15.4 days during 2011/12.
- Members enquiries performance has improved during 2012/13 despite an increase in volumes, and a pilot undertaken (which resulted in a number of missed deadlines) where the complaints team did not chase service areas to ensure timeframes are met. During the reporting year, 1044 were received with 90% processed within timeframe. During 2011/12 performance was 83% with 881 received
- The number of MP enquiries received has increased in 2012/13. During 2012/13, 452 were received (298 received during 2011/12). 94% of enquiries were responded to within timeframe during 2012/13 (the same performance as the previous year)
- The key task for this year ahead is to drive forward learning from complaints. More work is required to identify common trends and themes with complaints and to address the root causes and ensure that recommendations are implemented. This will allow the Council to demonstrate that we are learning from complaints. A learning implementation plan has been developed and throughout the course of the forthcoming year it is anticipated that a portfolio of learning for each Directorate will be produced. Complaint workshops will also be delivered by the corporate team which will be tailored for teams as and when necessary.
- The centralised complaints team are working well and are driving forward performance and ensuring the responses we send out to complainants are fit for purpose.
- The Localism Act has resulted in the Council adopting an informal stage for processing Landlord Service complaints. This informal stage could be rolled out across the council

Children's Social Care (CSC):

- 84 complaints were received for children's social care in the year. This compares to 93 complaints in 2011/12 and 107 in 2010-11.
- In addition, four new stage two investigations were started during the year, two of which remain open. One stage three investigation, instigated in 2011/12 has been completed.
- The service aims to successfully resolve issues and concerns at the point they are raised and through staff members closest to the situation. This means that more matters are appropriately dealt with before they are escalated into the statutory complaints process.

- Learning from complaints is a key element of the CSC quality assurance and performance framework and feedback is considered at quarterly CSC service quality assurance forums.

Adult Social Care (ASC):

- 74 complaints were received for adult social care in the year. This compares to 91 complaints in 2011/12 and 111 in 2010/11.
- The service aims to successfully resolve issues and concerns at the point they are raised and promotes the same approach from commissioned providers. This approach means that more matters are being appropriately dealt with before they are escalated into the statutory complaints process.
- Feedback and learning from adult social care complaints has also been reported to local people and people who use services through the 2012 Adult Social Care Local Account. The service is seeking to engage with service users and local people to get feedback on the report later in the year and this will be used to inform service improvement.

1. RECOMMENDATIONS:

1.1 To note the statistics for 2012/13.

1.2 To note that the Council will continue to drive forward work to embed learning from complaints as a mechanism to deliver service improvements.

1.3 Leadership Group to recommend a change in council process with the introduction of an informal stage in the way we process complaints (covered in 3.7.7 below)

2. INTRODUCTION

2.1 This report sets out details relating to the Council’s corporate complaints statistics and performance for 2012/13.

2.2 Adult Social Care and Children’s Social Care have separate statutory complaints procedures, which are managed separately by the Statutory Complaints Managers within the People Services Directorate.

2.3 For corporate complaints Thurrock has:

- A centralised team with dedicated responsibility for Directorates. The centralised team has generated savings for the council as part of the transformational programme due to the reduced staffing model now in operation
- A robust system in place for tracking complaint responses (i.e. 3 chase ups then escalate to Information Manager)

- A robust quality checking process in place. The central team quality check 100% of stage 2 complaints and 20% of stage 1 complaints

3. BACKGROUND

3.1.1 During 2012/13, the Council received 3505 corporate complaints. The table below shows complaint numbers received over the last 7 years along with the % of complaints that were due a response and processed within time.

Year	Complaints received	% Responded on time
2012/13	3505	91%
2011/12	2618	97%
2010/11	3187	89%
2009/10	2787	82%
2008/09	2185	75%
2007/08	2313	65%
2006/07	1992	80%

3.1.2 The dip in performance compared to 2011/12 is due to poor performance by our housing repair contractor Morrison. If we disregard Morrison poor performance, our overall performance would have been 97%

3.1.3 During 2012/13, the Council received 887 more complaints than the previous year. When analysing section 3.1.4 below, it is evident that this increase is due to:

- Housing repair complaints - An increase of 808 compared to 2011/12
- Missed Bins - An increase of 74 compared to 2011/12
- Non-return of bins - An increase of 48 compared to 2011/12
- Private Housing & Adaptation - An increase of 35 compared to 2011/12
- Decent Homes - An increase of 35 compared to 2011/12
- Contact centre - An increase of 33 compared to 2011/12
- Council Tax - An increase of 30 compared to 2011/12

3.1.4 The table below shows the most common complaints received for 2012/13 across the Directorates. Figures in brackets represent previous year volumes.

Directorate	Complaint Type	Number of complaints received
Children's Services	Special Education Needs	6 (10)
	Admissions	6 (10)
	Early Years	3 (5)
Housing	Repairs	1370 (562)
	Grays Office	53 (61)

	Tilbury Office	45 (39)
	Stanford/Corringham Office	18 (17)
	Purfleet Office	19 (14)
	Chadwell Office	33 (26)
	Ockendon Office	55 (29)
	Thurrock Choice Based Homes	36 (13)
	Private Housing & Adaptation	45 (10)
	Rents	9 (17)
	Homelessness	37 (36)
Europa	Decent Homes	53 (18)
	Gas breakdown	9 (10)
	Parking	12 (15)
	Traffic Management	14 (9)
	Potholes, footpaths and carriageway defects	42
Serco	Council Tax	286 (256)
	Housing Benefit	97 (68)
	Contact Centre	69 (36)
	Face to face	27 (27)
Central Services (Chief Executives Delivery Unit, Finance and Corporate Governance and Chief Executives Office)	FOI and DP	11
Environment	Missed Bin Collections	387 (313)
	Waste and Recycling staff	31 (39)
	Street Services	91 (71)
	Non return of bins	94 (46)
	Horticulture	23 (26)
Planning & Transportation	Development Control	29 (11)
	Parking	45 (43)
	Passenger Transport Unit	21

3.1.5 Outcomes and categories - The table below provides the % of upheld complaints across all stages. Figures in brackets represent 2011/12 statistics.

Stage	Total complaints	Complaints upheld	% upheld
Stage 1	2485 (1939)	1162 (599)	47% (31%)
Stage 2	807 (596)	338 (134)	42% (22%)

Stage 3	150 (83)	50 (10)	33% (12%)
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3.1.6 The increase in stage 3 complaints is due to the general increase in complaints volumes received by the Council. All stage 3 complaints are subject to pre-assessment by senior officers within the Complaints Team. It should be noted that of the 150 complaints received a total of 49 were cancelled on our system. A stage 3 complaint can be cancelled for two reasons:

- Following a meeting with the complainant together with the service area the matter has been concluded satisfactorily or:
- Where a senior officer within the Complaints Team is of the view that the Directorate could do further work to negate a formal stage 3, the complaint is returned for further management.

3.1.7 The Corporate Complaints Team also frequently resolve concerns from residents at first point of contact, thereby stopping formal complaints, either by face to face meeting or over the telephone. This has improved the customer's experience with council services and has resulted in savings for the council in terms of officer's time i.e. formalising complaint responses.

3.1.8 The Corporate Complaints Team as part of their quality checking programme checked 2267 complaints during 2012/13, with 1051 required amendments and/or being rejected due to the response not answering the complaint.

3.1.9 Social Care complaints

- All Social Care complaints are managed under separate statutory guidance from the respective regulatory bodies and as such, are required to provide dedicated annual reports regarding the effectiveness of the process. Both follow separate processes from that set out for corporate services.
- Responsibility for managing adult and children's social care complaints was brought together within the same service in October 2012. This has enabled the service to strengthen the consistency of approach and quality assurance of the complaints process, whilst at the same time, streamlining resource and realising efficiencies.

3.1.10 Children's Social Care (CSC):

- 2012/13 saw a 10% decrease in the number of complaints received for CSC – 84 complaints compared to 93 in 2011/12.
- 2% of complaints were upheld in 2012/13 compared to 4% in 2011/12. 46% were partially upheld compared to 13% in 2011/12.
- 46% of complaints were not upheld in 2012/13 compared to 70% in 2011/12
- 14% of complaints were withdrawn in 2012/13 compared to 11% in 2011/12.

- Eight MP enquiries were received in 2012/13 compared to 17 in the previous year. All enquiries were responded to on time.
- Four new stage two investigations were started during the year, two of which remain open. One stage three investigation, instigated in 2011/12 has been completed.
- 60 compliments were formally recorded in 2012/13. This compares to 90 in 2011/12 and 37 in 2010/11.
- A key reason for the decrease in complaints can be attributed to the introduction in 2011/12 of an Information Pack that is distributed to service users new to working with Children's Social Care. The Information Packs give service users an insight into what they can expect from the teams they are working with, and what the teams expect from the service users. The packs also contain information of additional support services available to the service users.
- During the year however, there has been a noticeable and significant increase in the complexity of complaints being received into the statutory complaints process. This includes more complaints at both stage one and stage two consisting of multiple parts, in some cases over 20. This has resulted in an inevitable increase in the time required to provide comprehensive and good quality responses. The added complexity of complaints can in part, also be evidenced, through the significant growth in the proportion of complaints that were partially upheld this year.
- Overall, CSC continues to produce good quality responses to complaints. Therefore complaints are not escalated to Stage 2 due to the quality of the response. Complaints are escalated because complainants are not happy with the outcome of their complaint, not the quality of the response.
- Learning from complaints is a key element of the CSC quality assurance and performance framework and feedback is considered at quarterly CSC service quality assurance forums. Action plans are developed to address and learn from the recommendations arising from all stage two and three investigations and are monitored by the Head of Service

3.1.11 Adult Social Care (ASC):

- 74 complaints were received for adult social care in the year. This compares to 91 complaints in 2011/12 and 111 in 2010/11.
- 28% of complaints were upheld in 2012/13 compared to 22% in 2011/12. 16% were partially upheld compared to 22% in 2011/12.
- 19% of complaints were not upheld in 2012/13 compared to 24% in 2011/12
- 23% of complaints were withdrawn in 2012/13 compared to 18% in 2011/12.
- 33 concerns were recorded in 2012/13. This compares to 13 in 2011/12. Concerns are matters not formally progressed through the statutory complaints procedure but issues successfully addressed at point of contact and recorded as such. A priority for the coming year is to further improve recording and reporting of concerns to drive service improvement.

- 16 MP enquiries were received for adult social care in the year. This compares to 10 enquiries in 2011/12 and 11 in 2010/11. All enquiries were responded to on time.
- 160 compliments were formally recorded in 2012/13. This compares to 219 in 2011/12 and 159 in 2010/11
- An agreement regarding sharing Mediation Services amongst the Essex Region Complaints Managers was established during 2012/13. This will ensure that a free service of mediation will be available to all those within the agreement and resource will be shared between the organisations, and when such need arises, they will not need to commission services externally.
- Feedback and learning from adult social care complaints has also been reported to local people and people who use services through the 2012 Adult Social Care Local Account. The service is seeking to engage with service users and local people to get feedback on the report later in the year and this will be used to inform service improvement.

3.2 Compliments

3.2.1 During 2012/13 a total of 631 compliments were received (498 external and 133 internal). This is a reduction to the previous year (as last year 527 external and 238 internal were logged). The table below shows compliments received since 2006/07 (includes Adult Social Care and Children Social Care compliments).

Year	Compliments received
2012/13	631
2011/12	765
2010/11	963
2009/10	1068
2008/09	733
2007/08	350
2006/07	275

3.2.2 The table below shows external compliments per Directorate for 2012/13:

Directorate	External Compliment
Central Services	14
Serco	19
Europa	30
Environment/Planning and Transportation	121
Children's Services	240
Housing	74

3.3 MP and Councillor Enquiries

3.3.1 **Member Enquiries** - During January 2013, a pilot was undertaken to test a relaxation in central control regarding the management of members' enquiries. The pilot resulted in the complaints team:

- Still logging enquiries (allowing visibility), however the team would not track and chase up service areas until the deadline had passed.
- Monitoring if service areas are failing to respond to enquiries, as the team would check after the deadline has passed to ensure Members have received a response from the service area.

The Corporate Complaints Team stopped chasing service areas on the 7th January 2013. The impact of this is that our performance had dipped to 62% (up until 25/2/13), with 79 enquiries from 128 responded to within timeframe (49 missing the deadline).

Due to the results of the pilot exercise it was agreed at Directors Board in April 2013 that the complaints team would continue to log and chase service areas in advance of the member enquiries deadline.

However, Members Enquiries performance has improved during 2012/13 despite an increase in volumes, and the missed deadlines as part of the above mentioned pilot. During the reporting year, 1044 were received with 90% processed within timeframe. During 2011/12 performance was 83% with 881 received

3.3.2 **MP Enquiries** - The number of MP enquiries received has increased in 2012/13. During 2012/13, 452 were received (298 received during 2011/12). 94% of enquiries were responded to within timeframe within 2012/13 (the same performance as the previous year)

3.4 Learning lessons from complaints

3.4.1 The most important aspect of any complaints management framework is the ability to demonstrate that the Council can show evidence that it is learning from complaints received. Appendix 1 details a sample of case studies that have been published on the Councils 'You Said We Did' website. During 2013/14 a new process has been set up by the Complaints Team in order to drive forward learning from complaints. This includes:

- The production of monthly Directorate based complaints reports which are sent to Directorate Performance Officers
- The Complaints Team (following the submission of the Directorate based monthly reports) meeting with Performance Officers to analyse complaints data
- The Complaints Team will then work alongside the Performance Officers with a view to identifying root causes from complaints, and to then produce learning from complaints case studies

- The Complaints Team will log and track any agreed learning activity required from the relevant service area, as a mechanism to evidence learning from complaints
- The Complaints Team delivering complaint learning workshops with specific service areas

3.5 Local Government Ombudsman (LGO)

3.5.1 The LGO set the Council a deadline of 28 days to respond to their first enquiries, however Thurrock have implemented a 21 day deadline in order to maintain an effective level of performance.

3.5.2 Below is Thurrock's average response time over the past 7 years, and the figures in brackets represent number of enquires that were received from the LGO investigation team.

- 2006/07 - 26.8 days (19)
- 2007/08 - 31.2 days (31)
- 2008/09 - 35 days (24)
- 2009/10 - 23.6 days (28)
- 2010/11 - 20.5 days (20)
- 2011/12 – 15.4 days (33)
- 2012/13 – 15 days (27)

3.5.3 The Council continues to improve in responding to LGO complaints/enquiries as during 2012/13 our average response time was 15 days. The management of corporate LGO complaints transferred to the Corporate Complaints Team in April 2011 and there is a dedicated officer in this team who ensures that timeframes are maintained.

3.6 Benchmarking

3.6.1 During April Thurrock initiated a benchmarking request from our Unitary Authority benchmarking group. Only 3 responses were received and these have been summarized in appendix 2. In addition to the 3 responses from our benchmarking group, Barking and Dagenham has been shown as a comparison.

3.7 Complaints Process and changes due the Localism Act in relation to Landlord Service Complaints

3.7.1 Prior to the 1st April 2013, all housing complaints were investigated under the Council's Complaints procedure. There are three stages to the procedure and if the customer was still dissatisfied following the Council's response at stage 3, and then they were required to refer the matter to the LGO, who would investigate the matter.

3.7.2 However from 1 April 2013, the Localism Act 2011 introduced new arrangements for dealing with complaints by social tenants against their landlords. Through the Act, tenant panels, MPs and councillors ('designated

persons') will automatically have the opportunity to play a more active role in resolving complaints at the local level.

3.7.3 Those complaints where the Council is the landlord will be managed/fall in-scope of the Housing Ombudsman (e.g. repairs, internal transfers, rent arrears and general tenancy management). However the LGO will continue to investigate complaints regarding allocations, homelessness and private sector housing.

3.7.4 A designated person (DP):

- Can be an MP, local councillor (must be in the same ward as the complainants address) or a designated tenant panel
- Has no legal authority over our complaints policy/procedure other than the right to refer complainants to the Housing Ombudsman (HO), at the point our complaints process has been exhausted
- Only has the power of persuasion and negotiation
- Are not an additional stage within our complaints process
- Can recommend (critical friend role) proposals and approaches that may not have been considered by the Council when investigating the complaint
- Can only take up their formal role once our process is complete
- Must obtain written consent from the complainant to confirm they can represent them

3.7.5 The council have implemented an informal stage when processing Landlord Service Complaints and issues that would have been classified as complaints in the past are now recorded initially as a concern. All concerns reported by our tenants

- Will initially be logged as a concern on the Council's complaints database within 1 working day of receipt
- Will be sent to the relevant service area or our Housing Repair Contractor (HRC) by the Complaints Team
- Our HRC or the service area will determine if the concern is one for them to resolve, and if so call the tenant to confirm their understanding of the concern
- Our HRC or the service area will undertake the necessary work to resolve the tenants concern
- Our HRC or the service area will send an update back to the Complaints Team within 5 calendar days (from the date the concern was logged)

If the concern cannot be resolved at the informal stage, then the concern will be recorded as a complaint in-line with our 3 staged process

3.7.6 After our complaints process has been exhausted, if complaints are not resolved at the end of our complaints process, the tenant can refer the matter to a DP (and not before) or wait 8 weeks and refer directly to the Housing

Ombudsman (HO). The HO will only consider complaints if the Council's complaints system has been exhausted

- 3.7.7 The introduction of the informal stage for housing complaints has seen a reduction in the number of complaints recorded. The informal stage also represents an enhanced level of customer service, as the service area attempt to contact the tenant via telephone in order to resolve the issue informally. This way of working could be rolled out across the council as a mechanism to reduce complaints recorded but also drive improvements in the way we interact with our residents, service users and customers.

4. ISSUES AND/OR OPTIONS: -

- 4.1 The key tasks for 2013/14 will be to:
- Maintain strong performance
 - To embed and evidence a learning from complaints culture
 - Subject to approval, to roll out the informal stage as a mechanism to deal with concerns raised

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 This report has been approved by Performance Board.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 Complaints impact on the Councils' priority of delivering excellence and achieving value for money.
- 6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.
- 6.3 The complaints process aims to improve customers and users experience of accessing council services. This will support our customer services strategy.

7. IMPLICATIONS

7.1 Financial

Implications verified by: Sean Clark
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- There are no direct financial implications with this report

7.2 **Legal**

Implications verified by: David Lawson
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- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).

7.3 **Diversity and Equality**

Implications verified by: Samson DeAlyn
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- It is important that there is accessibility to complaints information in respects of language, Braille, audio, and the new complaints leaflet incorporates this.
- The Information Management Team will continue to work with the Diversity Team to provide data that can be broken down into race, gender and disability themes in order to address any inequalities in relation to service delivery. This initiative will also support our aim to reach of using complaints data as a service improvement tool.

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

8. **CONCLUSION**

- 8.1 The information within this report is for Leadership Group to note performance in relation to complaints and compliments for 2012/13. The report focuses on corporate complaints and compliments but also includes appendices that cover complaints and compliments performance for Children's and Adult Social Care.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- None – Information obtained from the complaints system.

APPENDICES TO THIS REPORT:

- Appendix 1 – Sample case studies
- Appendix 2 – Benchmarking results

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