

Report to: Performance Management & Budget Scrutiny Committee, 4th June 2013

Report of: Service Manager for Performance, Improvement and Efficiency

Subject: ANNUAL COMPLAINTS REPORT 2012/13 AND POLICY UPDATE

1. Purpose of Report

- 1.1 To provide a report of complaints received and investigated by the Council under the Corporate Complaints procedure and by the Local Government Ombudsman (LGO) for the year 2012/13.
- 1.2 To outline the proposed changes to the Council's Feedback and Complaints Policy.
- 1.3 To provide feedback on the suggestions from and response to an Internal Audit of the Council's complaints system.

2. Background

- 2.1 A complaint is: 'an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, or our workforce, affecting an individual, group or organisation'.
- 2.2 Worcester City Council's Feedback and Complaints Policy was agreed by Cabinet in December 2010. The policy sets out how we deal with feedback and complaints: the general principles and the detailed procedure.
- 2.3 The Council operates a three stage complaints process which allows for complainants to appeal and request further investigation if they are not happy or feel that important information has not been taken into account.

Stage I – the initial investigation and response by the service.

Stage II – review independently of the Service

Stage III – referral to the Local Government Ombudsman

- 2.4 The Council has recently developed a new complaints and feedback system with the South Worcestershire ICT Service. The system will receive, store and report all complaints, compliments and comments received by the Council on one corporate system. The system is currently being rolled out to services.

3. Feedback and Complaints Policy

- 3.1 Following review of the current Feedback and Complaints Policy, the amendments below are proposed to clarify the complaints process, incorporating changes to the Standards Committee, the development of a new corporate complaints system and the suggestions made by Internal Audit as part of their review of the Council's complaints procedure – please see Section 4 for details. The revised policy is attached as **Appendix 1**.

3.2 Proposed changes:

The most significant proposed changes to the Policy are:

- a) Response time for Stage I complaints amended from 10 working days to 15 in line with recommendations from Internal Audit report – please see Section 4 for details.
- b) Response time for Stage II complaints clearly stated as 20 working days in line with a number of other authorities. The original policy did not provide specific timescales for different stages so implied the same response time for both internal stages. The timescale was challenging for Stage II complaints where a fuller investigation may be required. This point was also highlighted in the Internal Audit report.
- c) Stage II complaints are currently directed to and dealt with by Directors. This has resulted in the Director for Operations Services receiving the majority of complaints which have been time consuming to deal with. It is proposed that Stage II complaints are initially made to the Complaints Officer who will forward the complaint to a Service Manager or Director to investigate and respond. Which Manager a complaint is sent to will be decided in consultation with the Director responsible for the service the complaint is about, taking account of the nature of the complaint and availability of Managers. In line with best practice, the Manager / Director will be independent of the service areas that the complaint is regarding.

Changes within the Policy document are:

- Policy now consistent with corporate template.
- Paragraph numbering added.
- Content page added.
- Para 4.1 – reference to new complaints system.
- Information about Standards moved to Section 5.2.
- Para 5.2 – response time for Stage I complaints amended from 10 to 15 working days. Response to Stage II complaints specified as 20 working days.
- Para. 5.3.4 – amended to reflect new complaints system.
- Para. 5.3.7 – details of how the customer can appeal a Stage I decisions amended from the relevant Director to the Complaints Officer.
- Para. 5.4.2 – stating timescale for appeals of Stage I decisions to be made by customers.
- Para. 5.4.3 – responsibility for responding to Stage II complaints amended from Director to Service Manager or Director.
- Para 6.2 – updated information about making a complaint against a Councillor in accordance with changes to the Standards Committee.

4. Internal Audit

- 4.1 An internal audit was carried out of the complaints system and a report provided in February 2013. The majority of audit findings/suggestions identified were improvements for consideration rather than controlled weaknesses. A number of these are addressed by changes to the Policy as outlined above. A summary is provided below.

The only area considered to be a risk was reporting mechanisms and the quantity of information provided to both officers and Members.

Internal Audit suggestions - Discussion points		Initial response
A Policy		
1	No specified time period in policy for response to Stage II complaints.	Policy amended – 20 days for responses to Stage 2 complaints (subject to approval)
2	No appeals time period specified in which the customer can appeal.	Policy amended – 28 days to appeal (subject to approval)
3	Following a review of other Council's policies it was noted that response times vary for Stage I i.e. between 12-15 days. The Council may wish to consider reviewing this time period.	Policy amended – 15 days for responses to Stage 1 complaints (subject to approval)
4	Periodically reviews of the Council's complaints and compliments policy in line with the Local Government Ombudsmen advice to ensure fit for purpose.	Policy reviewed December 2012 – amendments made subject to approval. Annual review suggested – next due December 2013.
B Web information		
1	Consideration given to provide a more shortened version of the Council's compliments and complaints policy for publication on the Council's website (easier to read and understand).	To be developed. Webpage also now reviewed to make complaints process clearer.
2	To include direct link on the complaints page on how to give feedback on shared services such as Regulatory and Revenues and Benefits.	Considered – preferable to capture complaints locally and forward to shared services to simplify process for customer and keep some sight of shared service complaints.
C Management monitoring and reporting going forward		
1	To consider reporting process to both Members and Officers. It is important that the Council can demonstrate efficient monitoring, reporting and ongoing learning from public feedback. In 2009 the Local Ombudsman's publication re managing compliments and complaints recommends that members should play an important role in reviewing performance on complaints through scrutiny procedures.	Propose more detailed quarterly reporting of complaints alongside performance reports to PMBS and Cabinet. To include performance against standards, breakdown by service and trend over time. Start reporting from Quarter 4 / 2012-13 Annual report in May 2013. Service provided with a monthly breakdown of complaints.
2	To consider incorporating the reporting process for compliments and complaints statistics from partnering Shared	To be discussed with respective Shared Services Management Boards.

	Services.	
D	New system	
1	To ensure IT fully develop the necessary reports for monitoring and reporting compliments.	Basic reports available with more detailed reporting to be developed in Stage 2 of the project – timescales to be confirmed with IT.
2	Whilst carrying out audit testing of complaints on the former system it was noted that the ten day target includes the day the complaint is received. Depending at what time of day the complaint is received this could be deemed “as a little unfair” and impact on the Council’s performance. Following a review of one or two other council’s it was noted that they count “day 1” as the day following receipt. The Council may wish to consider this.	‘Day 1’ now logged as first full working days after receipt of complaint in line with Audit suggestion.
3	Whilst completing audit testing on complaints recorded and managed under the former system (new system not live at time of audit) it was noted that there were one or two delays on some in sending out the acknowledgement. Presumably this won’t be the case with the new system as it will be electronic?	Promotion of complaints process and new system will reinforce timescales for acknowledgement and responses.

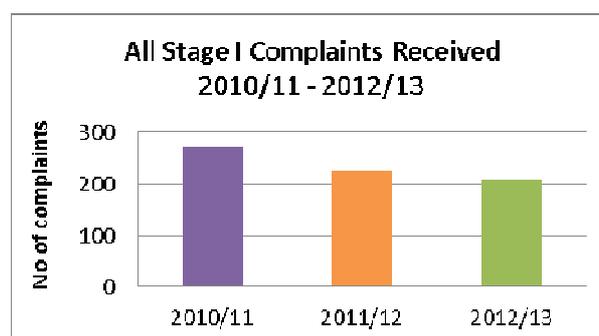
5. COMPLAINTS PERFORMANCE REPORT –2012/13

The report includes the number of complaints received for shared services in the breakdown of Stage I complaints. These are forwarded to and dealt with by the host authority in accordance with their policy and therefore not included in the breakdown of response times.

5.1. Headlines

No. Received 2012/13	Q1	Q2	Q3	Q4	Annual
Stage 1 Complaints	60	47	46	54	207
Stage 2 Complaints	4	5	6	5	20
Stage 3 Complaints	2	0	2	1	5

5.2. Stage I Complaints received



5.2.1 The annual total number of Stage 1 complaints received by the Council has progressively decreased from 274 in 2010/11, to 227 in 2011/12 and 207 in 2012/13.

5.3. Breakdown of Stage I complaints received by Service

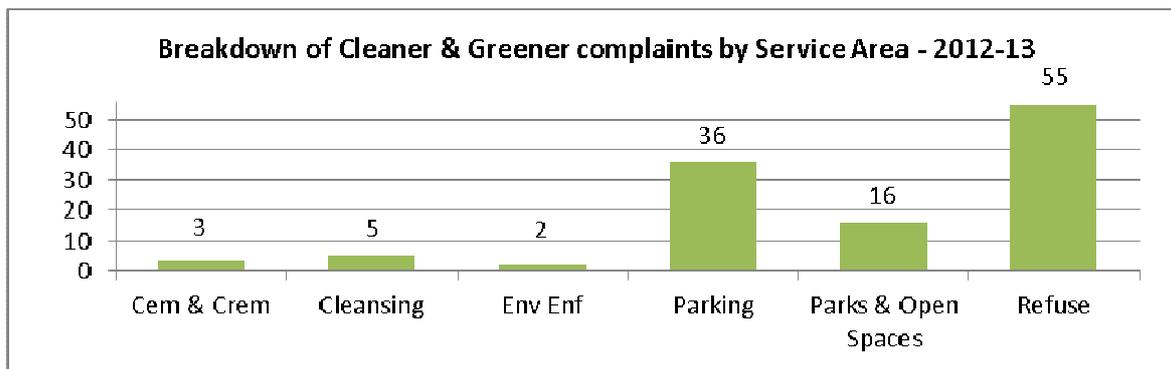
Service	No. of complaints received
Cleaner and Greener	117
Strategic Housing	15
Development Management	7
Legal & Democratic Services	4
Safer and Stronger	3
Performance Improvement & Efficiency	2
Financial Services	1
Regeneration and Business Engagement	1
County Council Services	27
Worcestershire Hub	16
Revenues and Benefits	9
Other	3
Property Services	1
Regulatory Services	1

5.3.1 The majority of complaints received were for Cleaner & Greener Services. This service includes waste collection and parking services so has the greatest interaction with the public.

5.3.2 The majority of complaints received about the County Council are regarding highways and transport issues. As with all non-Worcester City Council complaints, these are acknowledged and forwarded to the responsible organisation to respond directly to the customer in accordance with their own complaints policy.

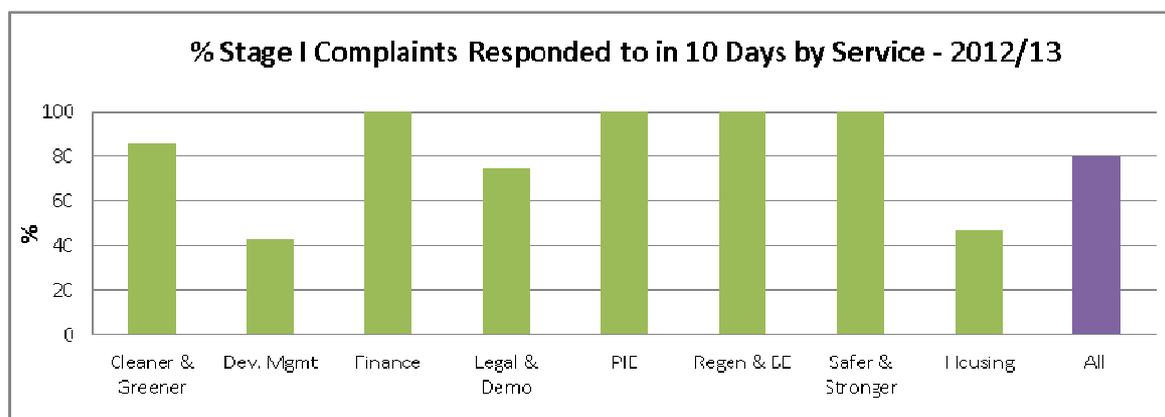
5.3.3 Most Cleaner and Greener Services complaints were regarding refuse and parking services. The majority of refuse complaints were about missed bins. Complaints against parking services were more varied including enforcement issues, handling of Penalty Charge Notices and changes to car parks and charges.

The Cleaner and Greener team are pro-actively managing their complaints with quick responses and regular monitoring ensuring action is taken in response to feedback. This is reflected in the low number of complaints that are escalated to Stage II.



5.4. Response to Stage I Complaints

5.4.1 This section only includes responses to Stage I complaints received about City Council services and dealt with through our complaints process.



5.4.2 Overall, 80% of all Stage I complaints about City Council services were responded to within the standard timescale of 10 working days. Of the services that received complaints, most responded within or close to this time frame. Housing Services and Development Management had the lowest percentage of complaints dealt with in 10 day - 43% (3 of seven) and 47% (seven of 15) respectively. This may be due to the more complicated nature of issues within these services.

5.5. Stage II complaints received

5.5.1 Overall, 20 Stage II complaints were received in 2012/13 which represents 9.7% of Stage I complaint decisions being appealed and escalated.

5.5.2 Although Cleaner & Greener Services have received the most Stage II complaints this year with seven in total, this equates to just 6% of Stage I complaints being escalated.

Service	No. of SII Complaints	Service Areas
Cleaner & Greener	7	6 x parking 1 x cleaning
Development Management	3	3 x planning
Regeneration and Business Engagement	1	1 x Visit Worcester
Housing	5	4 x homelessness 1 x private sector housing
Revenues & Benefits	3	3 x Council Tax
Safer & Stronger	1	1 x leisure centres
Total	20	

5.6. Stage III complaints received by LGO

A total of four complaints were received from the LGO up to the end of Quarter 3, 2012/13. All were responded to within the timescales requested.

Service	Received	Decision
Cleaner & Greener – Parking	Apr 2012	To discontinue investigation
Revenues & Benefits - Council Tax	Apr 2012	Resolved during investigation
Development Management - Planning	Oct 2012	No intent to pursue the complaint any further
Development Management - Planning	Nov 2012	No jurisdiction to investigate.
Cleaner & Greener – Parking	Mar 2012	<i>Provisional view</i> LGO should not investigate as unlikely to find evidence of administrative fault

6. Proposals

- 6.1 That amendments to the Feedback and Complaints Policy as set out in Section 3 are approved and implemented.
- 6.2 That a summary of complaints performance is reported to PMBS and Cabinet on a quarterly basis as part of the quarterly performance report.

7. Policy, Legal, Financial, Equalities and Risk Management Implications

- 7.1 Policy – The Council has in place a Complaints Policy to guide effective and consistent complaints across the organisation.
- 7.2 Financial – Failure to manage complaints effectively could result in financial implications arising from compensation claims against the Council.
- 7.3 Legal – The Council's must comply with national legislation regarding complaints and provide citizens with 'a right to complaint against the Council itself under its complaints scheme' in accordance with our Constitution.

- 7.4 Risk – Failure to manage complaints could result in:
- reputational risk following negative media coverage or LGO reports.
 - financial risk through compensation claims
 - missed opportunities for learning and improvement from complaints information
- 7.5 Equalities – The Council has a duty to show due regard to Equalities issues – monitoring complaint will help to ensure no groups are being disproportionately affected. The new corporate complaints system has options for providing equality information which will further improve monitoring.

8. Comments of Service Manager for Performance Improvement and Efficiency

- 8.1 The Council's approach to managing complaints corporately has improved in the last year due to embedding of procedures and the development of a new feedback system which is demonstrated in the progressive reduction in complaints received.

However the suggested amendments to the Complaints and Feedback Policy, incorporating suggestions from Internal Audit as well as reflecting changes in the authority, will further improve our handling of feedback.

In particular, more frequent reporting and use of feedback data by the services will help us to better inform service planning and understand the needs of our customers.

9. THE SERVICE MANAGER FOR PERFORMANCE, IMPROVEMENT AND EFFICIENCY RECOMMENDS:

- 9.1 **That the Performance Management & Budget Scrutiny Committee consider the suggested amendments to the Complaints and Feedback Policy, taking account of suggestions made by Internal Audit and provide comments and feedback to Cabinet for consideration.**
- 9.2 **That the Performance Management & Budget Scrutiny Committee note the Council's performance for 2012/13 with regards to complaints received.**

Ward(s): All
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Background Papers: Feedback and Complaints Policy