



City of Westminster

## **Annual Complaints Review 2015/16**

October 2016

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## 1. Introduction

- 1.1 This report presents complaints performance and trends for 2015/16. It also includes a performance review of Local Government Ombudsman (LGO) first time enquiries and a limited review of Leader and Cabinet Member correspondence.

## 2. Background

- 2.1. The council's two stage complaints procedure is as follows:
- **Stage 1** - Complaints are addressed by the local service delivery manager (10 working day turnaround).
  - **Stage 2** - A Chief Executive's review undertaken (10 working day turnaround)
  - **LGO** - If the complainant still remains dissatisfied he/she can take the concern to the LGO
- 2.2. The procedure covers most council services although Adults and Children's Social Care Services each have their own statutory complaints procedure. In view of this separate reports are produced for Member and Officer over sight, therefore information about these services has not been included in this report.
- 2.3. CityWest Homes (CWH) has been operating its own complaints procedure since 1 April 2012, and therefore their complaints data has not been assessed in this report. CWH produces its own annual complaint report and this goes to the Housing Board. A copy of the 2015/16 report is attached (see **Appendix A1**).
- 2.4. Stage 1 complaints data is captured on a number of different systems although some services do use the Council's SharePoint Complaints database. A new corporate complaints database went live in April 2016 however data for the year 2015/16 has come from the various systems used in previous years. All stage 2 complaints are recorded on the SharePoint Complaints database. In view of the differing systems used a detailed analysis of data across both stages of the complaints procedure is not possible. However, stage 1 data collected by the Customer and Complaints Team on a quarterly basis means we can report on volume, response times and complaint decisions.

## 3. The management of complaints

- 3.1. The following are being or have been developed to address and improve the management of complaints:
- A project commenced in December 2015 to purchase and go live with one IT system to manage complaints/FOI and Member correspondence. The Council had previously purchased the component to manage its FOI and this project was to add to the system with a component for complaints management and the handling of various Member's correspondence. The single system

was required so that we can standardise and harmonise procedures where practical, to improve the external customer experience of complaints, correspondence and requests for information and provide greater transparency and resilience in processes for departments.

- The new complaints database went live in May 2016 and with any new system there have been some teething problem, in particular the introduction a complaints web form linked to the Council's external web site did not go live until September 2016. In addition parking Services has had other technical challenges which have just been resolved so they can now use the system. All services are now using the new system to record al stage 1 and stage 2 complaints and this is the first time the Council has had a complete corporate overview of all complaints.
- There continues to be some localised training issues in the way data is being entered and the Corporate Complaints team is cleaning up data entered incorrectly so that the system can produce the reports required to manage performance. Systems have been designed to make sure this is done on a monthly basis until such time as the organisation has truly embedded this system into its operation.
- The new system is also been used by the Cabinet and Ward member support team but owing to some technical issues there has not been a full take up of the system by all team members. This is now being phased in.

#### 4. **Headline findings**

**Complaint Numbers** – There has been an overall increase (up 110) in the total number of complaints across all stages of the complaints procedure when compared to the previous year from 938 to 1048. This can be attributed to an overall increase in stage 1 complaints.

**Target response times for stage 1 and stage 2** – stage 1 response times remain the same at 86% of complaints being completed in target response time. There was a 1% reduction in performance at stage 2. Both results can be considered a good performance.

**Escalation Rate** - Data reveals that the escalation rate from stage 1 to stage 2 is 18% (163 of 885) and this represents an improved performance compared with the previous year which had an escalation rate of 24% (183 of 755)

**Upheld Complaints** – The percentage of upheld complaints remains low despite a slight increase when compared with the previous year. At Stage 1, 28% were upheld against 24% in 2014/15. At Stage 2 the escalation rate was 4% against 3% for 2014/15.

**Local Government Ombudsman (LGO)** – The LGO Annual Review for the year ending 31 March 2016 provided no comment on the Council's performance

**LGO Average response times** - The council's average response time was 26 days against a benchmark of 28 days.

**Leader and Cabinet Member Correspondence** – The data provided indicates that there has been a decrease (down 137) in the volume of correspondence received

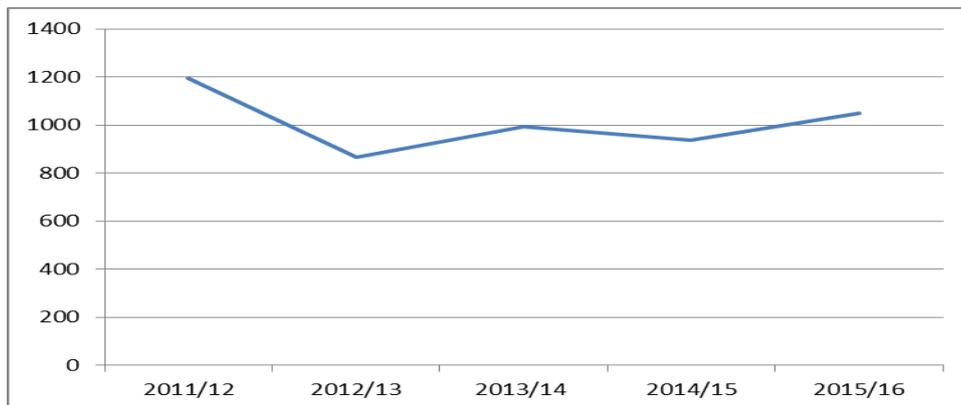
## 5. Complaint Volumes

**Table 1: Comparison of total numbers of complaints for 2014/15 and 2015/16**

	2014/15	2015/16	Variance	% change
Stage 1	755	885	130	15%
Stage 2	183	163	-20	-12%
<b>Total</b>	<b>938</b>	<b>1048</b>	<b>110</b>	<b>10%</b>

- 5.1. As indicated in **Table 1** there has been an overall increase (up 110) in the total number of complaints across all stages of the complaints procedure when compared to the previous year.
- 5.2. Given the data limitations it is difficult to draw any firm conclusions from the increase, and as shown in **Chart 1** below complaint totals for the last five years remain within the range of between 840 to 1200.

**Chart 1: Total complaint numbers across all stages for the years from 2011/12 to 2015/16**



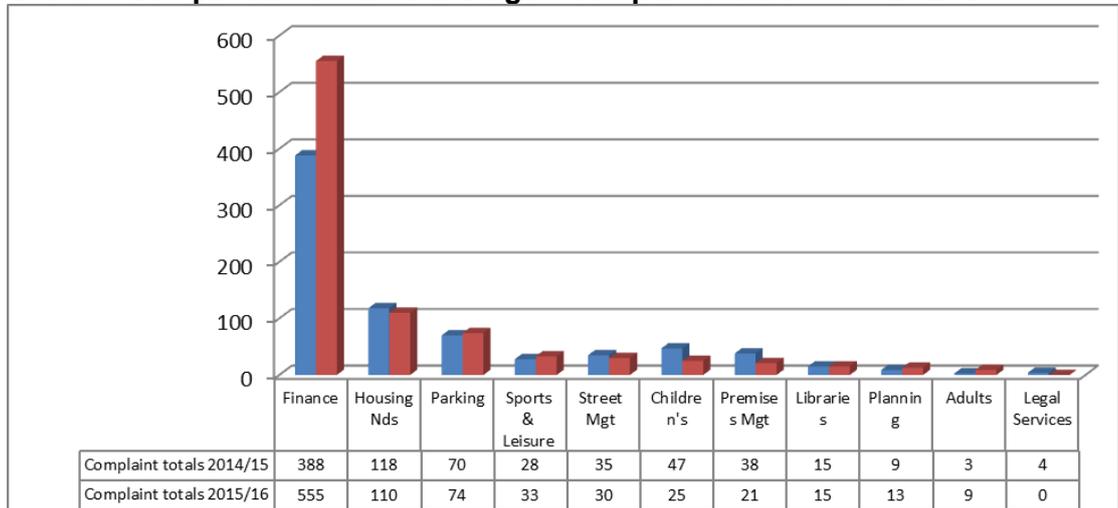
### ***Volumes by service areas across all stages of each complaints procedure***

#### ***Stage 1***

- 5.3. As indicated in the table below the volume of complaints come from Finance (City Treasurer) and these relate to complaints made about Housing Benefit (HB), Council Tax (CT) and Business Rates (NNDR) Complaint volume is not a good indicator when trying to determine if service area have been delivering good services as issues such as whether Housing Benefit is awarded or whether a homeless application is accepted or a family moved from temporary to permanent accommodation are very emotive concerns and therefore increases the likelihood of complaints being generated if customers consider the

Council should be doing more whether the Council is at fault or not. Therefore complaint volumes need to be viewed with some context as the council successfully carries out the majority of transactions with its residents and customer, and in comparison very few requests enter the formal complaints procedure. For instance, Council Tax process an average of 140,000 items of correspondence each year and only 195 formal stage 1 complaints were received.

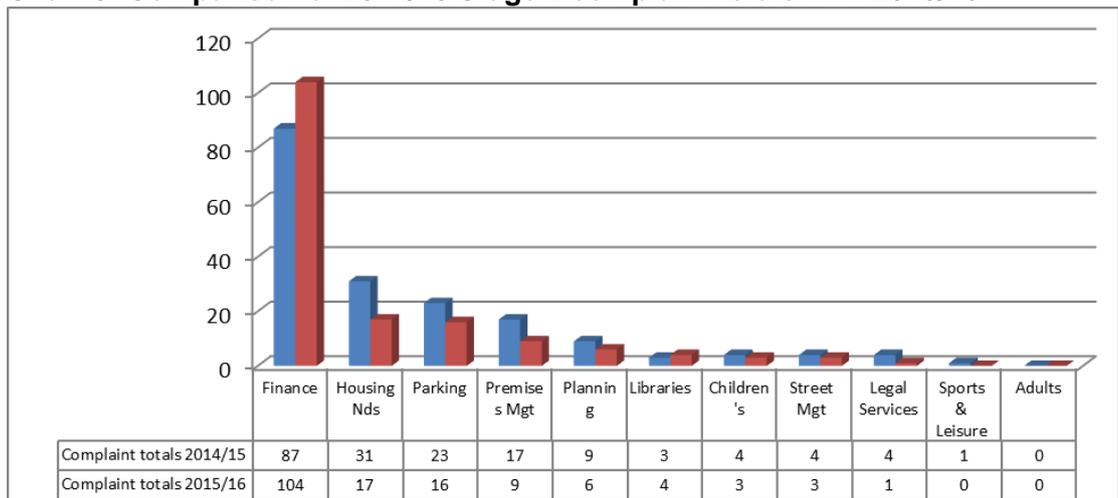
**Chart 2: Comparison of 2014/15 Stage 1 complaint totals with 2015/16**



5.4. As indicated in **Chart 2** the volume of stage 1 complaints comes from Finance which includes Housing Benefit (HB), Council Tax (CT) and Business Rates (NNDR), and also from Housing Needs and Parking Services. This mirrors the previous financial years.

### Stage 2

**Chart 3: Comparison of 2014/15 Stage 2 complaint totals with 2015/16**



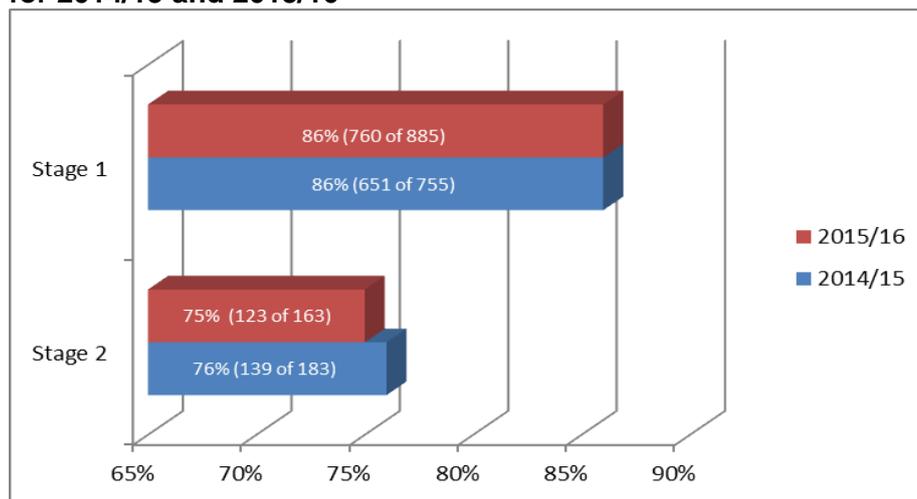
5.5. The volume of stage 2 complaints also come from same three services as complaints made at stage 1 (Finance, Housing Needs and Parking Services). However, as indicated in **Table 1** there was an overall reduction in stage 2 numbers (down 20) on the previous year. The reduction in stage 2 numbers is not significant as the spread is across most services. As discussed in item 5.3 complaint volume as a

performance measure is not a good indicator. What is more relevant is why the complaint was escalated to stage 2 and whether the complaint was upheld or not upon escalation. The reasons for complaint escalation are discussed later in this report.

### Response Times

5.6. The target response time for stage 1 and stage 2 is 10 working days.

**Chart 4: A comparison of target response times for Stage 1 and Stage 2 for 2014/15 and 2015/16**



5.7. As seen in **Chart 4** stage 1 response times remain the same at 86% of complaints being completed in target response time. There was a 1% reduction in performance at stage 2. Both results can be considered a good performance.

**Table 2: Comparison of % of stage 1 complaints across the services answered within target response time for 2014/15 & 2015/16**

	% STAGE 1 completed within Target Response for 2014/15	% STAGE 1 completed within Target Response for 2015/16	Performance indicator		% STAGE 2 completed within Target Response 2014/15	% STAGE 2 completed within Target Response 2015/16	Performance indicator
Housing Nds	97%	93%	▼		84%	88%	▲
Planning	67%	54%	▼		22%	33%	▲
Children's	13%	16%	▲		100%	33%	▼
Parking	71%	76%	▲		83%	74%	▼
Finance	99%	92%	▼		78%	100%	▲
Legal	100%	0%	▼		100%	100%	▶
Libraries	93%	93%	▶		100%	100%	▶
Street Mgt	46%	57%	▲		50%	0%	▼
Sports & Leisure	89%	85%	▼		100%	78%	▼
Premises Mgt	74%	95%	▲		59%	75%	▲
Adults	67%	22%	▼		nil complaints	nil complaints	▶

▼	decline in performance
▲	improvement in performance
▶	no change

### **Escalation rate (from stage 1 to Stage 2)**

- 5.8. When looking at the escalation rate it is worth noting that the Council's complaints procedure is open and welcomes residents wishing to make a complaint. The process is designed to learn from complaints so to improve service delivery and the customer experience. The procedure has no bar to escalating a complaint so long as there is a stage 1 response a stage 2 review is undertaken even if the complainant has not fully explained why they are dissatisfied with the stage 1 reply.
- 5.9. The data reveals that in 2015/16 only 18% (163 of 885) of stage 1 complaints escalated to stage 2, (down 6%), and represents an improved performance compared with the previous year. Data in **Table 3** below provides a service comparison.

**Table 3: A comparison breakdown of complaints escalating from stage 1 to stage 2 for 2013/14 & 2014/15**

	<b>2014/15 Complaint Escalation stage 1 to stage 2</b>	<b>2015/16 Complaint Escalation stage 1 to stage 2</b>	<b>% Variance</b>
	<b>S1 to S2</b>	<b>S1 to S2</b>	
<b>Housing Nds</b>	31 of 118 (26%)	17 of 110 (15%)	-11%
<b>Planning</b>	9 of 9 (100%)	6 of 13 (46%)	-54%
<b>Children's</b>	4 of 47 (9%)	3 of 25 (12%)	3%
<b>Parking</b>	23 of 70 (33%)	16 of 74 (22%)	-11%
<b>Finance (HN/CT/NNRD)</b>	87 of 388 (22%)	104 of 555 (19%)	-3%
<b>Legal</b>	4 of 4 (100%)	nil	0%
<b>Libraries</b>	3 of 15 (20%)	4 of 15 (27%)	7%
<b>Street Mgt</b>	4 of 35(11%)	3 of 30 (10%)	0%
<b>Sports &amp; Leisure</b>	1 of 28 (4%)	0 of 33 (0%)	-1%
<b>Premises Mgt</b>	17 of 38 (45%)	9 of 21 (43%)	-2%
<b>Totals</b>	<b>183 of 755 (24%)</b>	<b>163 of 885 (18%)</b>	<b>-6%</b>

- 5.10. Of the 163 complaints escalated from stage 1 to stage 2 our data reveals in 62% (101 of 163) the complainant did not cite specific fault with the stage 1 decision, and either requested a review without explaining why, or repeated the same complaint made at stage 1. This indicates that the majority of complaints going to stage 2 did so because they did not like the stage 1 decision rather than citing reasons of fault with how the service area reached its decision.

## Complaint decisions

5.11. The Council's Complaints Best Practice Guide states that when responding to complaints each response clearly indicates the complaint decision.

- An **Upheld** complaint decision is reached when the service area accepts that they are responsible for all the service failure(s) contained in the complaint.
- A **Not upheld** complaint decision is reached when the service area does not accept that they are responsible of any of the service failure(s) contained in the complaint.
- A **Partially Upheld** complaint decision is reached when the majority of the complaint concerns are Not Upheld, but there are some minor lapses in service delivery which did not have a significant impact in reaching the complaint decision. For example, a service area concludes that a repair was carried out in accordance with policy and procedure but the service area accepts that it could have been more pro-active in letting the resident know what was happening.

5.12. It is generally accepted that high volumes of upheld complaints are an indicator that there has been a problem with aspects of service delivery. Small volumes of complaints being upheld usually infer that generally service delivery is good and policy and procedures are being followed in the majority of cases.

**Table 4: A comparison of complaint decisions for 2014/15 & 2015/16**

	Stage 1	Stage 1		Stage 2	Stage 2	
	2014/15	2015/16		2014/15	2015/16	
<b>Upheld</b>	24% (178 of 755)	28% (247 of 885)	▲	3% (5 of 183)	4% (6 of 163)	▲
<b>Not Upheld</b>	52% (393 of 755)	49% (438 of 885)	▼	77% (140 of 183)	79% (128 of 163)	▲
<b>Partially Upheld</b>	24 % (180 of 755)	22% (196 of 885)	▼	21% (38 of 183)	18% (29 of 163)	▼

▼	decline in performance
▲	improvement in performance
▶	no change

5.13. The data in **Table 4** indicates that at stage 1 there has been a slight increase in Upheld complaints (up 4%) when compared with 2014/15. The increase is too small to draw any conclusions.

5.14. There has also been a very slight increase (up 1%) in Stage 2 Upheld decisions when compared with 2014/15, and there was also an increase in the % of Not Upheld complaints (up 2%). These findings support a robust stage 1 process as very few service failures are being found when investigating those complaints which have escalated to stage 2. The data also supports a finding that comprehensive stage 1 responses are being undertaken and any wrong put right at the first stage of the procedure.

## **6. An analysis of Stage 2 complaints**

- 6.1. As mentioned in item 2.5 a more detail analysis of Stage 2 complaints can be made as this data is recorded by the Complaints and Customer team as it investigates the complaints on behalf of the Chief Executive and total volume is low. Furthermore, only 6 of 163 stage 2 complaints were upheld. Analysis also reveals that there were no serious service failings in any of the stage 2 complaints received.
- 6.2. The volume of data being such a small proportion makes it is difficult to spot trends and/or any generic service failings. Despite the low volume there has been some learning from stage 2 complaints and three complaints gave rise to a change in policy or procedure.
- 6.3. When analysing the 6 upheld complaints human error was the main reason for the complaint finding. Of these 6 complaints 3 complaints were about housing benefit and one from Council Tax. The remaining two were from Children's services and Housing Options.
- 6.4. Before looking at the upheld decisions in more detail it is worth noting that although the volume of stage 1 and stage 2 complaints come from HB/CT/Business rates (63% of complaints at stage 1 and 64% of stage 2 complaints), and the volumes of complaints from this service is not a concern in view of the total number of HB claims received in a year and the volume of correspondence regarding Council Tax enquiries. However, the volume of stage 1 complaints from HB and CT are analysed throughout the year to see if there is complaint learning and the service has advised the following:

### **Council Tax**

28% of stage 1 complaints upheld in 2015/16 were in relation to missing or miss-allocated payments. There has been an improvement in this area and the number of complaints upheld against missing payments has reduced in 2016/17.

Half of the upheld stage 1 complaints were as a result of administrative errors and this accounted for 51% of complaints upheld. The Contractor has introduced 6 monthly refresher training for all staff and this will ensure that staff are more up to date with current processes and procedures and this should reduce the error rate. As a result of a number of complaints relating to the higher tariff charge of calling the Council Tax 0845 number from a mobile, the service switched to a 0345 number which is charged at a lower tariff.

It should be noted that on average Council Tax process in excess of 140,000 items of correspondence each year. The 47 complaints upheld represents 0.03% of this work.

### **Housing Benefit**

Approximately 62% of complaints were due to perceived delays in the assessment process. The next highest volume of complaints at approximately 15% is due to assessment errors.

The following activities have been put in place by the contractor to reduce complaints, delays and errors:-

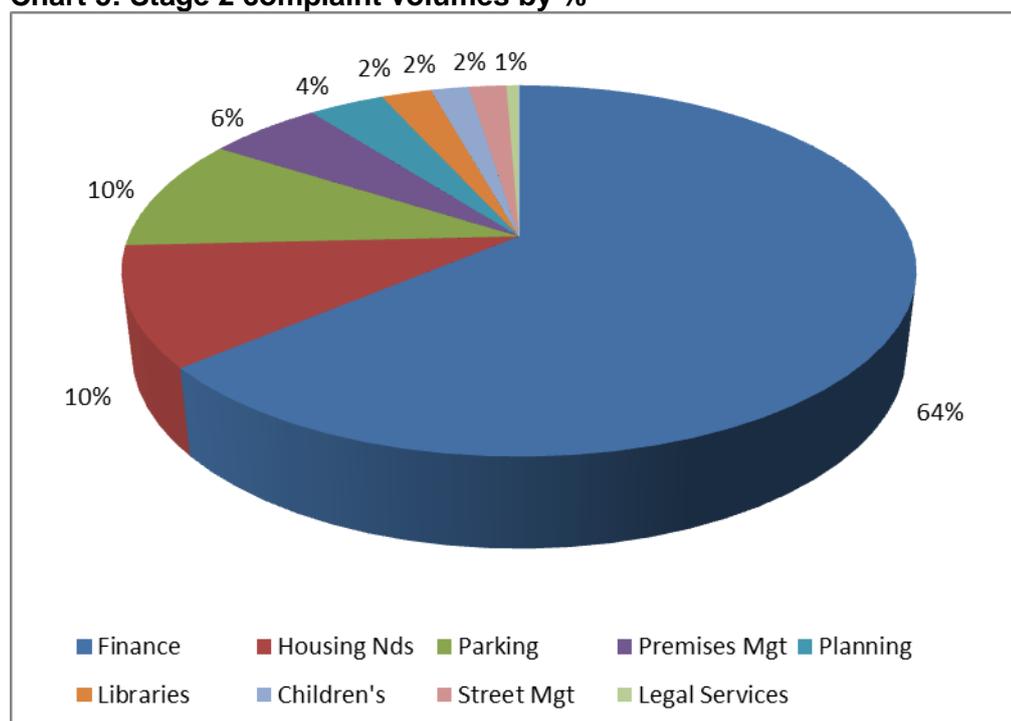
- Team managers and team leaders ensure individuals are aware of their mistakes and quality checks take place.
- There is an on-going programme of refresher assessment skills training and coaching.
- General errors/trends are cascaded by reminder guidance notes or verbally at team meetings (both at staff and team leader level).
- Service level agreements and turnaround times are closely monitored and work priorities adjusted accordingly. The service will use offsite support/overtime/loaning of staff across teams where there is need. This is proactive rather than reactive and steps are in place to promote this.
- Training has been extended to include letter writing skills as well as assessment skills
- Cases pending for information are regularly checked and the age profile monitored

In response to complaints relating to requests for information letters, Benefits reviewed letters to make clearer the standards of evidence required. Where further requests are made staff now detail what has already been received so that is clearer to the customer than something else is required. Where possible, staff now contact the customer by telephone when they are writing to request information required for a new claim, to advise what is needed. If this pilot is successful then this will be extended to include changes in circumstances.

The Service dealt with approximately 65,000 assessments in 15/16. 111 upheld complaints represent 0.17% of this work.

6.5. These changes at stage 1 seem to be having a positive effect on stage 2 outcomes as 78% of Finance complaints (HB/CT/Business rates) were not upheld at stage 2, and only 18% were Partially Upheld. So while there is volume at stage 2 from Finance (HB/CT) as 64% of all stage 2 come from this area (See **Chart 5** below) very few service failures are being found at stage 2 of the process.

**Chart 5: Stage 2 complaint volumes by %**



- 6.6. Concerning the two HB stage 2 Upheld decisions, both involved delays in the assessing of the claims as the claimant was asked to provide information which had already been provided. The delays incurred as a result of this were in excess of 4 weeks and therefore compensation was offered (£150 on each complaint). The housing benefit provider is responsible for the compensation payments when the error is due to an administrative failing so there was no cost to the City council in these instances of delays. The other case involved a claimant who was more than eight weeks in rent arrears and in such cases a HB claim should be paid to the landlord until any rent arrears fall back to below eight weeks. In this instance the landlord wanted his payment by BACs and not by cheque as is the usual practice and in error HB suspended the claim while they made the necessary arrangements. There was no need to suspend the claim and in addition HB did not advise the landlord of why they had suspended the claim. This led to delays in making the relevant payments to the landlord.
- 6.7. There was one CT case which was upheld and the debt owed went to the bailiff for recovery. Representations were made requesting that bailiff fees were returned and CT failed to deal with this request. In view of this the complainant had to engage a solicitor to try and get the refund and CT offered £150 by way of compensation. CT also said that they would cover the cost of the solicitor's fees if a copy of the solicitor's invoice was provided. The council tax provider also covers the costs of any remedy offered if they were at fault.
- 6.8. One Children's corporate complaint about Special Education Needs (SEN) was upheld. This involved the SEN needs of the complainant's son and the complainant was very unhappy with stage 1 response saying it did not answer their concerns, was of extremely poor quality and even referred to another child and not their son. Children's Services accepted that the response was of extremely poor quality and fell well below the standard expected. As a result of the stage 2 investigation the service advised that they would review Quality Assurance standards for complaint correspondence to prevent a similar occurrence.
- 6.9. The Upheld Housing Option Service (HOS) complaint related to a tenant being introduced to a letting company by Westlets (part of HOS). The letting company said they were concerned about the tenant being put forward by the member of staff and later it was determined that the member of staff was acting outside the tenancy guidelines. The individual left the employment of Westlets. However, the tenant left the property and failed to notify when she did and this led to housing benefits being paid direct to the landlord and which had to be recovered when the benefit service found out the tenant had previously left. The letting company asked that Housing Option service covered this overpayment in view of the irregularities in being introduced to this tenant for this property. At stage 1 HOS offered half the amount and this was increased to the full overpayment of £1,796 at stage 2.
- 6.10. There was some complaint learning from another HOS case but this was a stage 2 complaint which was partly upheld. In this case a

person's application for housing was refused and while this decision was correct the stage 2 investigation found that improvements could be made to the letters notifying persons that their application had failed by improving the information given on how they can review the decision.

- 6.11. Looking at the 18% of cases which were partially upheld most of these were due to very minor lapses and the lapse played no significant part in the overall stage 2 decision, for example slight delays in requesting additional information in HB cases, awarding small payments of compensation which could have been offered at stage 1 but were not. In such cases the main stage 1 decision was unchanged and the awards made at stage 2 was to reflect general inconvenience in pursuing the concern.

### **Compensation**

- 6.12. During the complaint investigation if something did go wrong the Council it should offer a remedy which should put the complainant back in the position he/she was in before the error occurred. This is not always possible and sometimes an apology is not enough. Therefore when appropriate, Officers can make an offer of compensation.
- 6.13. Data in **Table 5** shows an increase in the amount of compensation offered (up £846) on the preceding year.

**Table 5: A comparison of compensation offered at the final stage of the complaints procedure for 2014/15 & 2015/16**

	2015/16		2014/15	
Stage 3 Compensation	Totals (£) offered in 2015/16	Nos of cases compensation was offered in 2015/16	Totals (£) offered in 2014/15	Nos of cases compensation was offered in 2014/15
Parking	£172	2	£200	1
Finance	£1,578	11	£1,300	7
Housing Needs	£2,096	2	£1,500	1
Premises Mgt				
Planning				
Libraries				
Sports & Leisure				
Street Mgt				
Legal				
<b>Totals</b>	<b>£3,846</b>	<b>15</b>	<b>£3,000</b>	<b>9</b>

- 6.14. There was one large payment of £1,796 offered by Housing Options. And the circumstances surrounding this case have been explained in item 6.11. Most of the payments made were small and generally were payments of between £50 to £200 for delays or administrative errors when processing various claims and permits.

6.15. The payments offered by Finance (HB/CT/Business rates) and HOS were met by the relevant contractors as they were responsible for the original errors/delays.

## 7. Local Government Ombudsman (LGO) first time inquiries

7.1. When the LGO decide that they wish to investigate a complaint about council services they can do so by simply reviewing the information the complainant has provided and/or use information from various web sites or set out in legislation. If they want to obtain specific information from a local authority, such as asking questions or requesting copies of correspondence to assist in an investigation they will write to the relevant council with their request. This is known as first time inquiries. The average response times of first time inquiries is used as a performance measures by the LGO.

7.2. The data in **Table 6** shows there was no increase in the in the number of first time enquiries when compared with the preceding year. This report also notes that these first time enquiries include 3 cases from Adults Social Care which were not investigated under the Council's Corporate Complaints Procedure as they were dealt with under the statutory procedure.

**Table 6: LGO total First Time Enquiries for the years 2014/15 & 2015/16**

	First Time enquiries Totals 2014/15	First Time enquiries Totals 2015/16	Variance
Finance - HB	5	7	2
Finance - CT/NNDR	6	3	-3
Housing Nds	9	7	-2
Parking	1	1	0
Planning	1	3	2
Adult's	4	3	-1
Chidren's	0	1	1
Street Mgt	0	1	1
Premises Mgt	2	2	0
<b>Totals</b>	<b>28</b>	<b>28</b>	<b>0</b>

7.3. The LGO monitors all local authorities on their response times to first time inquiries. The benchmark used for this is 28 calendar days from the date on the LGO enquiry letter.

7.4. The Council's calculation indicates that the average response time for first time enquiries is 26 days for 2015/16. This is within the LGO benchmark of 28 days and represents a good performance. Data in **Chart 7** provides a comparative breakdown of the average number of days taken to reply based on the Council's records.

**Table 7: Comparison of average response times for first time enquiries (2015/16 & 2014/15)**

	2015/16	2014/15	
	Average number of days	Average number of days	28 Days Response Target
Premises Mgt	16	27	28
Street Mgt	28	0	28
Finance-CT/NNRD	29	26	28
Finance-HB	26	24	28
Housing Nds	25	27	28
Parking	17	27	28
Planning	26	34	28
Children's	28	nil cases	28
Adults	31	30	28

- 7.5. Of the 28 first time enquiries (**Table 6**) the LGO issued decisions of Upheld: maladministration with injustice in 14 cases (50%). However, three of these complaints were matters dealt with under the Adults one stage statutory complaints procedure. In 11 cases (40%) the LGO found that the complaint was not upheld and there was no maladministration. In 3 cases (10%) the LGO found maladministration with no injustice, meaning that during investigation a fault was minor and did not require a remedy.
- 7.6. Of the 12 cases addressed under the corporate complaints procedure where a decision of Upheld: maladministration and injustice was found, 4 were Partially Upheld at stage 2 of the complaints procedure therefore as the Council already found some fault, albeit very minor, and therefore the LGO would also issue an Upheld decision.
- 7.7. In the remaining cases the LGO went on to find some fault which was not identified as part of the stage 1 and stage 2 decision or not remedied to the LGO's satisfaction. In many cases this was because the scope of the complaint changed and issues came into play which did not form part of the original complaint. Overall, the LGO is finding fault through looking at the complaint in the wider context and sometimes with new information provided by the complainant, which was not brought to the Council's attention at stage 1 or stage 2. However, there were no cases where generally the stage 2 decision was completely at odds with the LGO finding.
- 7.8. The LGO produce an Annual Review/Letter and this previously set out any concerns the LGO might have regarding the handling of our complaints together with any performance issues surrounding meeting the 28 day benchmark for first time enquiries. However, the Annual Letter no longer provides that insight and it simply sets out limited statistical information and an update on the development work they are undertaking. A copy of the Annual Review Letter can be found in **Appendix B**.

- 7.9. The main statistical table setting out the Council's performance can be found at the end of the Annual Review letter. This table provides data relating to the number of complaints and enquiries received. Two further attachments set out the data used by the LGO to create the table provided. The annual letter also makes the point that the data they hold will not align with the data we hold. This primarily because the LGO is a record of every contact made by a member of the public about Westminster City Council services hence the reason they refer in the table to complaints and enquiries.
- 7.10. Looking at the table provided by the LGO you will note that they say 132 complaints and enquiries were made about our services. This volume may seem high and cause for concerns as it states that 52 issues come from Benefits and Tax issues and 30 from Housing issues. Together this represents 62% of all complaints and enquiries received. However, these are not all complaints which have been investigated by the LGO, and as it is the LGO practice to state all types of enquiries and complaints received in a year as well as providing data on all the decisions that have been made that year. In view of this the two figures given (Complaints and Enquiries, and Decisions) will not tally.
- 7.11. Looking at the Table providing the decisions (there were a 136 decision made in that year) and this provides context as it states that only 28 cases were actively investigated (28 of 136). Regarding the remainder of the 136 decisions a further 58 (43%) were referred back to the Council to handle as either formal complaints or to resolve through mutual agreement with the complainant. A total of 36 cases (26%) were closed by the LGO after making initial enquires. Therefore just looking at two components (number of cases referred back to the Council and number of cases closed after making initial enquiries) 69% were not investigated by the LGO.
- 7.12. For further context it is worth examining the statistic that of the 132 complaints and enquiries received 52 related to Benefits and Tax (HB/CT/NNDR). Looking at the 52 HB/CT cases we find the following:
- 14 were closed by the LGO having made initial enquiries with the Council.
  - 24 were referred back to the Council for local resolution (complaints returned to the Council to enter our complaints procedure)
  - 7 cases were Upheld (formal investigation took place and the LGO found some fault by the Council)
  - 4 cases were not upheld (the complaints were investigated and the LGO found no fault)
  - 1 case advice was given to the complainant
  - 2 cases were recorded as incomplete/invalid (cases still on-going)
- In summary of the 52 cases only 11 were formally investigated and of these 4 complaints were not upheld and in 7 some fault was found.

**Table 8: A comparison of the LGO Annual letter statistics across 17 London Boroughs ranked by the total number of complaints and enquiries received**

	Total Complaints/Enquiries	Total Decisions	Not Upheld	Upheld	Total formal Decision	% of Total Decisions	% cases referred back to LA against Total nos Decisions	% cases closed after initial enquiries made against Total nos Decision
Lambeth	243	251	26	26	52	21%	41%	23%
Newham	243	248	16	27	43	17%	44%	28%
Haringey	220	214	14	32	56	26%	42%	26%
Barnet	219	213	7	18	25	12%	58%	22%
Ealing	183	183	13	12	25	14%	53%	26%
Lewisham	162	162	15	18	33	20%	57%	18%
Waltham Forrest	150	150	11	18	29	19%	36%	39%
Tower hamlets	149	153	13	9	22	14%	51%	23%
Greenwich	137	135	16	12	28	21%	49%	21%
<b>Westminster</b>	<b>132</b>	<b>136</b>	<b>8</b>	<b>20</b>	<b>28</b>	<b>21%</b>	<b>43%</b>	<b>26%</b>
Camden	128	139	17	12	29	21%	41%	22%
Hackney	116	118	11	12	23	19%	44%	26%
Hammersmith and Fulham	113	118	8	12	20	17%	35%	36%
Islington	100	99	11	10	21	21%	42%	20%
Wandsworth	99	112	8	26	34	30%	35%	23%
Kensington & Chelsea	76	80	13	8	21	26%	38%	28%
Richmond Upon Thames	48	59	9	11	20	34%	32%	25%

7.13. Having looked at the Annual Letters and accompanying table of statistics for 16 other London boroughs as seen in **Table 8** (above) the Council performance is reasonable when making comparisons against the total number of complaints and enquiries received (ranked 10 out of 17). This is more so when considering the number of residents and visitors in the borough over a 24 hour period who access our services, and the shortage of housing and the number of motorist looking to park and make deliveries. We do not know the total number of complaints which reached the final stage of each of the London Borough's complaint procedure, and some have a two stage procedure while others still have a three stage procedure. Therefore it is difficult to understand if the total number of complaints and enquiries received by the LGO is in correlation to volume of complaints which reached the final stage of a boroughs complaint procedure.

7.14. The total number of formal decisions (calculated as the number of Upheld and Not upheld decisions) is reasonable as 8 other boroughs had the same number or more. However, there is room for improvement and learning comes from examining the decision statements issued when a formal investigation has taken place as we can see how the LGO investigations differed from our own and whether this was due to additional information being provided or whether we

need to assess any fault we might have found to see if another remedy other than an apology should have been applied as often it is this which differs from our own findings/remedies. The Corporate Complaints Team also uses this learning to try and improve our stage 2 investigations. For this reason we also share all LGO decision with the relevant services. However, it is worth noting that the LGO are statutory investigators and they come in at the end of the process once the Council has commented and they have between 30 and 90 days to complete an investigation, whereas the target response for a stage 2 investigation is 10 days.

## Compensation

- 7.15. The LGO can award financial payments as part of a remedy for the complaint. The term “injustice remedied” is used to describe decisions where the council remedied or agreed to remedy any injustice to the LGO’s satisfaction during the investigation so allowing the complaint to be closed. These remedies can include the payment financial settlements.
- 7.16. A comparative breakdown of LGO financial remedies for the years 2015/16 and 2014/15 can be found below (**Table 9**).
- 7.17. It is difficult to make performance comparisons between financial years as each complaint is dealt with on its merits. However, **Table 9** indicates there has been a decrease (down £343.50) in the amount of financial remedies.

**Table 9: Comparison of Financial Local Settlements 2013/14 & 2012/13**

Financial Local settlements	2015/16	nos of cases		2014/15	nos of cases
Housing Nds	£3,200.00	5		£2,600.00	2
Planning	£250.00	1		£1,000.00	0
Finance (HB/CT/NNRD)	£700.00	3		£943.50	5
Adults	£200.00	1		£150.00	0
Parking				£0	0
Children's				£0	0
Premises Mgt				£0	0
Street Mgt				£0	0
<b>Totals</b>	<b>£4,350.00</b>			<b>£4,693.50</b>	

## 8. Leader and Cabinet Members Correspondence

- 8.1. Correspondence addressed to the Leader and Cabinet Members, specifically in their capacity as an Executive portfolio-holder rather than as a Ward Councillor, will often take the form of a complaint or issue

with a service that is provided by the city council and that falls under their portfolio. It can also constitute wider correspondence received by the Cabinet Member in the course of their portfolio. For the purposes of this report all this correspondence is considered as part of the team and not as part of the complaints figures.

- 8.2. Over the past year the Cabinet Secretariat and Member Services team have found that the individual services have in general provide a prompt service and therefore the team are meeting the ten working day turnaround target for correspondence. Particular praise was given to the Housing Options and Benefits teams for their comprehensive and timely responses.
- 8.3. The quality of the responses is quite high overall and provides enough information to compile a full response to the correspondence. In some cases however the team do have to push for more than one option of moving forward if we feel there could be an alternative. There are also times when some of the information is very technical and it needs to be put into more layman's terms for the resident.
- 8.4. From the backbench members the main theme of correspondence/enquiries over the last year have been on benefits and housing (including high numbers on temporary accommodation and waiting/transfer lists). Across the Cabinet Member portfolios the main themes which have arisen over the year are: CCTV, SEN cases, school placements, homelessness, Homecare providers, sexual health and substance misuse services, changes to the Leisure Centres contract, Cycle Superhighways, congestion and fly tipping.
- 8.5. The new iCasework case management system will be used fully by the Cabinet Secretariat and Member Services team from 1 September 2016. This will ensure that we meet our targets of acknowledging requests within in 24 hours and providing a response in ten working days. The full extent of the benefits of the system will be shown when reporting to this Committee next year.
- 8.6. The data provided in **Table 10** indicates that there has been a decrease in the volume of correspondence received over the year. However it should be noted that this does not reflect the amount of enquiries the team deal with just the level of correspondence which is responded to and received on a formal basis.

**Table 10: A breakdown of correspondence totals received by Cabinet Portfolio**

<b>Portfolio</b>	<b>2015/16</b>	<b>2014/15</b>
<b>Adult Services</b>	<b>27</b>	<b>19</b>
<b>Planning</b>	<b>58</b>	<b>201</b>
<b>Housing</b>	<b>130</b>	<b>143</b>
<b>City Management and Transport</b>	<b>66</b>	<b>58</b>
<b>Sustainability (est. as a Cabinet Portfolio in May 2014)</b>	<b>21</b>	<b>18</b>
<b>Business</b>	<b>4</b>	<b>47</b>
<b>Parking</b>	<b>58</b>	<b>44</b>
<b>Children &amp; Young People</b>	<b>17</b>	<b>24</b>
<b>Premises Management</b>	<b>21</b>	<b>4</b>
<b>Finance</b>	<b>32</b>	<b>7</b>
<b>Public Protection</b>	<b>12</b>	<b>14</b>
<b>Sports, Leisure &amp; Parks</b>	<b>8</b>	<b>5</b>
<b>Libraries, Culture &amp; Registrar Services</b>	<b>0</b>	<b>7</b>
<b>Totals</b>	<b>454</b>	<b>591</b>

# **APPENDIX A1**

**CWH Service Improvement Performance Report 2015/16**