

For general release

REPORT TO:	Scrutiny & Overview Committee 16 July 2019
SUBJECT:	CORPORATE & STATUTORY ANNUAL COMPLAINTS REPORT 2018/19
CABINET MEMBER:	Councillor Simon Hall, Cabinet Member for Finance & Resources
LEAD OFFICERS:	Clare Davies, Complaints Manager
EXECUTIVE DIRECTOR:	Jacqueline Harris-Baker, Executive Director of Resources

CORPORATE PRIORITY/ CONTEXT:

A high level overview of the performance of the Council's complaints detailing service level agreements (SLA), number of complaints upheld, themes and learnings. The way in which complaints are used to drive service improvements plays a key role in Croydon Council's drive to be an excellent authority which delivers both a positive resident experience and shows that we are a learning authority.

For **Corporate Complaints** Croydon operates a two stage corporate complaints policy. The first stage is investigated by the service who the complaint is regarding. The second stage is escalated to an independent investigation by the complaints resolution team.

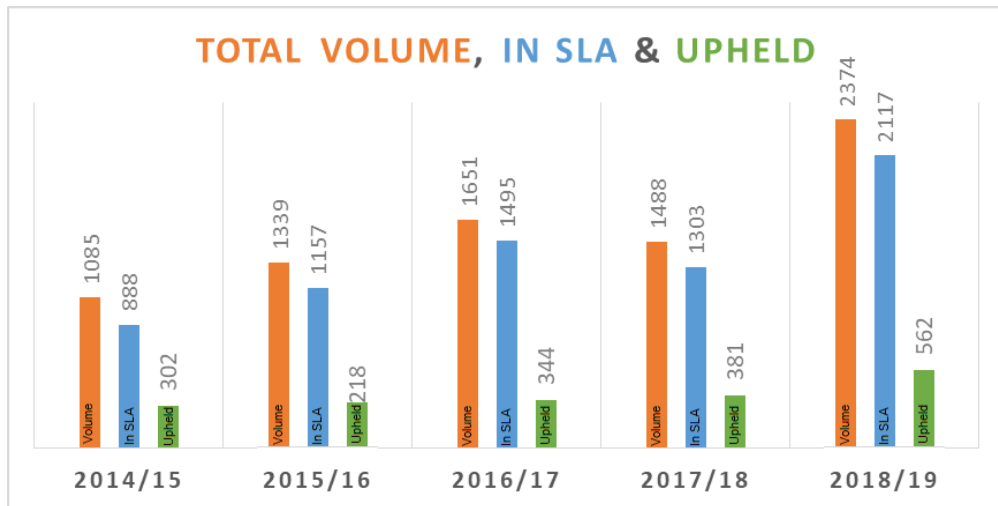
For **Children's Statutory complaints** Croydon operates a three stage complaints policy. The first stage is investigated by the service or services who the complaint is regarding. The second stage is an independent investigation. Finally, the third stage is a Review Panel Hearing.

For **Adults Statutory complaints** Croydon operates a one stage complaints policy, which is investigated by the service or services who the complaint is regarding.

ORIGIN OF ITEM:	The Corporate & Statutory Complaints report is received by the Scrutiny & Overview Committee on an annual basis.
PURPOSE:	The Committee is provided with a copy of the Annual Complaints Report for 2018-19 for their information and is asked to consider whether they wish to make any recommendations based on the content of the report.

1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary position of complaints, 2018/19 (1 April 2018 – 31 March 2019) and corporate complaints, 5 year view: 01 April 2014 – 31 March 2019.
- 1.2 As the structure of Divisions and services has changed significantly over the period, the below is shown as an indication of trends over the period.

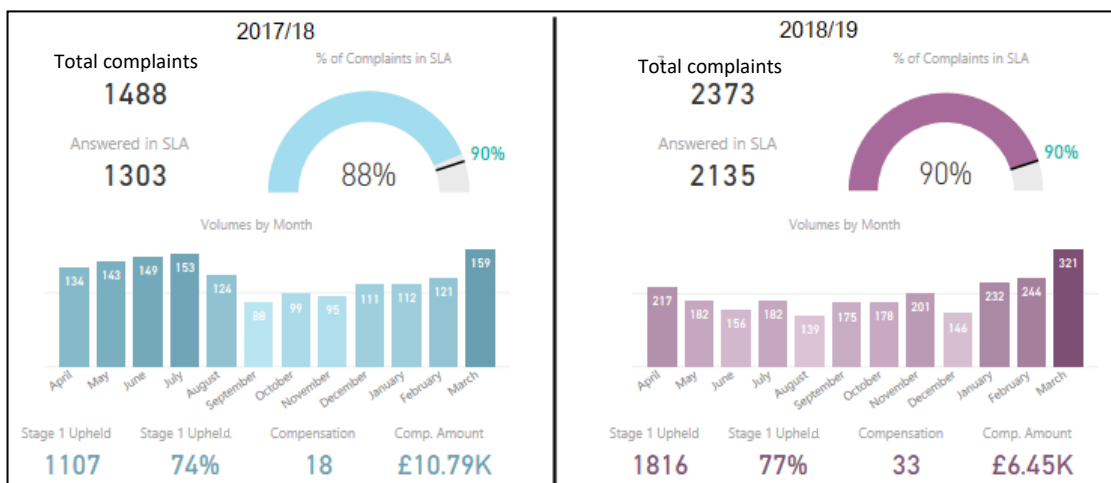


CORPORATE COMPLAINTS

2. COMPLAINTS – HIGHLIGHTS/LOWLIGHTS DURING 2018/2019

Stage One:

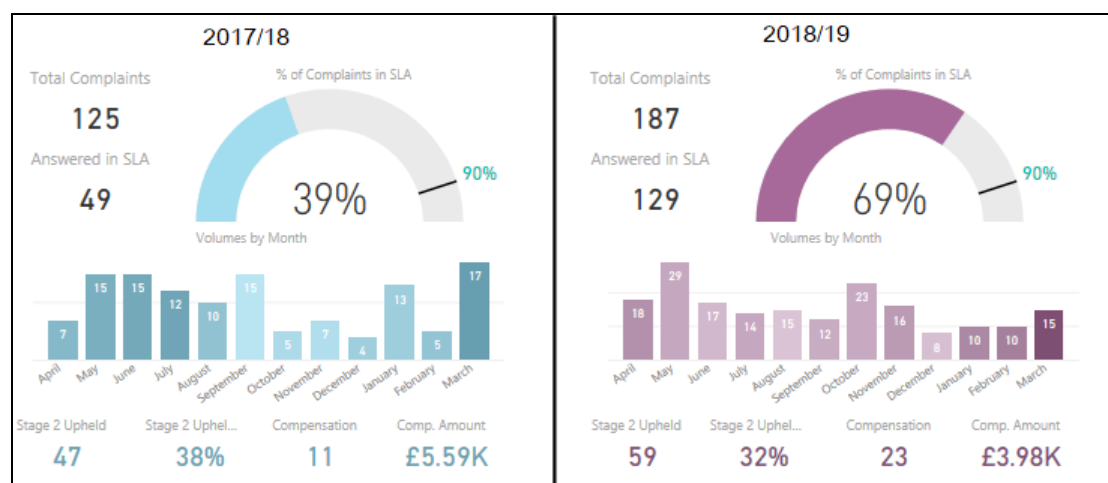
- 2.1 The volume of corporate **Stage one complaints** has increased by 59% or 885 complaints compared to 2017/2018.
- 2.2 90% of **Stage one complaints** have been responded to within 20 days, which is the corporate target, and an improvement on last year by 2%, with an increase in volumes.



2.3 77% (or 1816 complaints) at **stage one** were upheld for 2018/19. This is an increase of 709 complaints compared to upheld complaints during 2017/18 when 74% were upheld.

2.4 **Compensation totalled £6,450** during 2018/19, compared to £10,790 last year.

Stage Two:



2.5 The volume of corporate **Stage two complaints** has increased by 50% or 62 complaints compared to 2017/18. A large increase (31 complaints) was caused by one issue raised by residents regarding traffic management in Addiscombe.

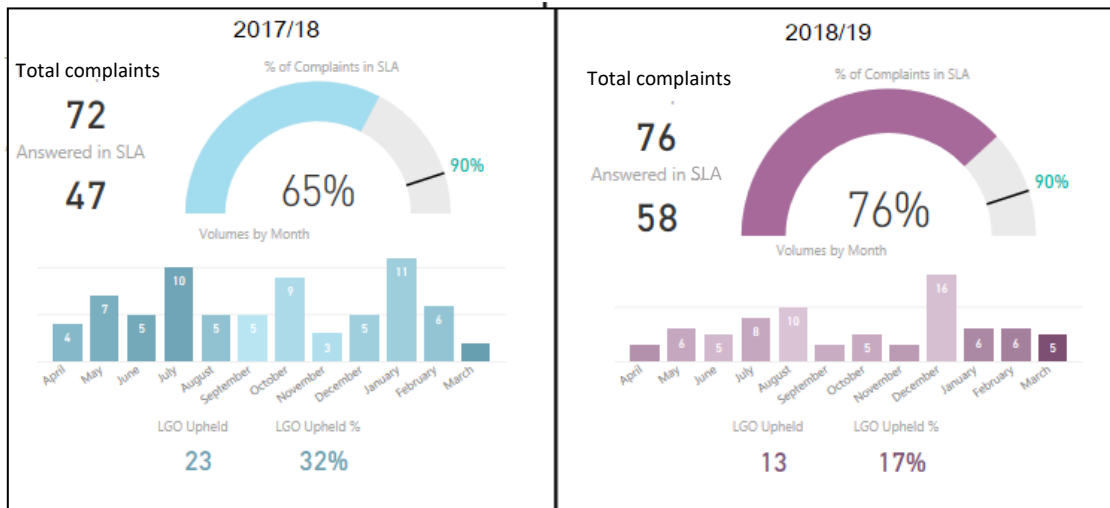
2.6 **Stage two complaint** response times improved from 39% in 2017/18 to 69% in 2018/19 so a 30% increase due to an improved sign-off process, better quality of responses and quicker investigations with services.

2.7 32% (59 complaints) of **stage two complaints** were upheld in 2018/19, compared to 38% (47 complaints) in 2017/18.

2.8 We paid **£3,980 in compensation at stage two** this year, compared to £5,590 last year.

Local Government & Social Care Ombudsman (LGSCO):

2.9 The Local Government Ombudsman investigates allegations of maladministration that have caused injustice to the complainant. Mostly they will only investigate once the Council has had an opportunity to investigate through their Complaints process.



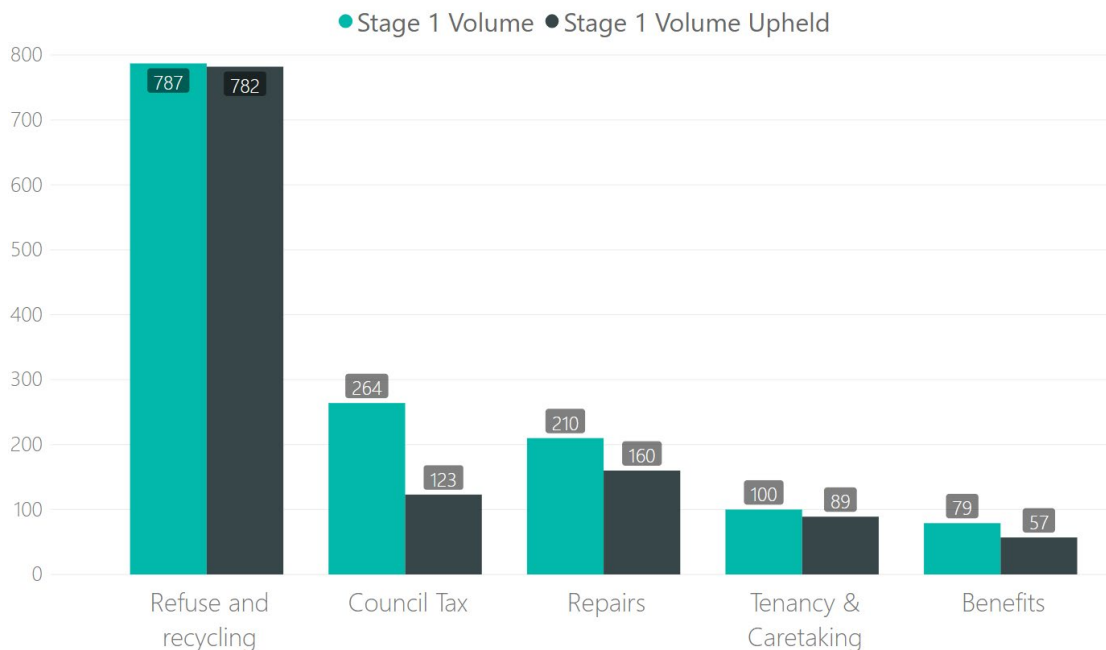
2.9 The volume of corporate **Ombudsman complaints** has increased by 6% (4 complaints) in comparison to last year.

2.10 17% (13 complaints) of **Ombudsman complaints** were upheld this year. This is a 43% (10 complaints) **decrease** in upheld complaints compared to last year. This confirms the quality of our decisions at stage 2 has improved.

3. HIGHEST VOLUME AREAS - STAGE ONE COMPLAINTS

3.1 The corporate target is to respond to 90% of complaints within 20 working days. These are dealt with directly by each service.

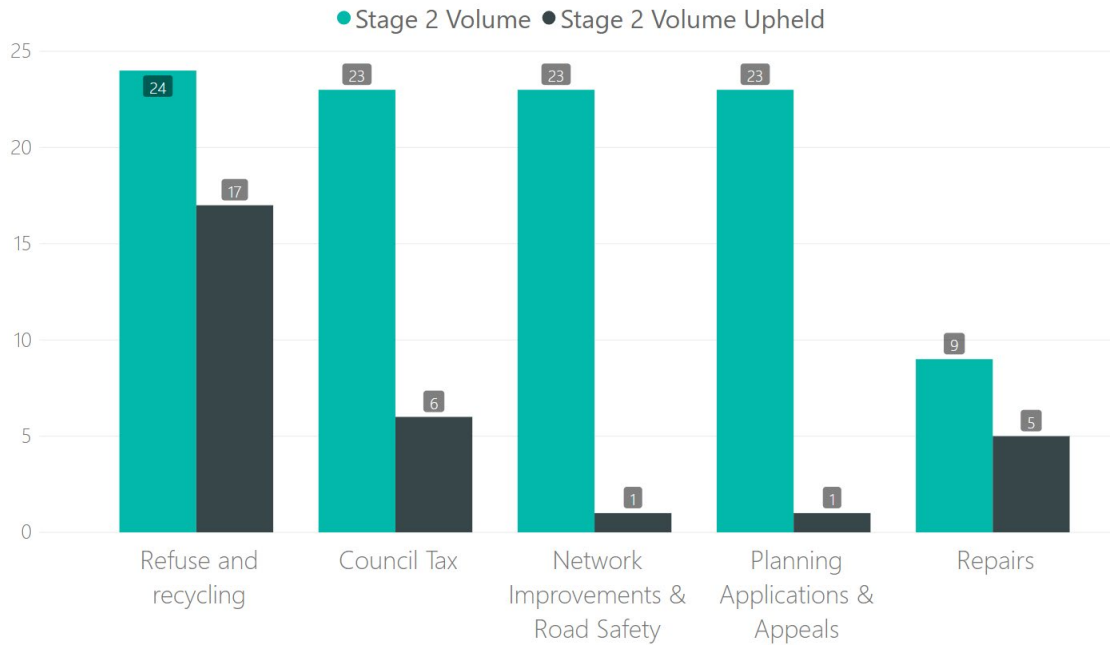
3.2 The services with the highest volume of **stage one** complaints for 2018/19 are as follows:



4. HIGH VOLUME AREAS - STAGE TWO COMPLAINTS

4.1 The corporate target is to respond to 90% within target of 20 days.

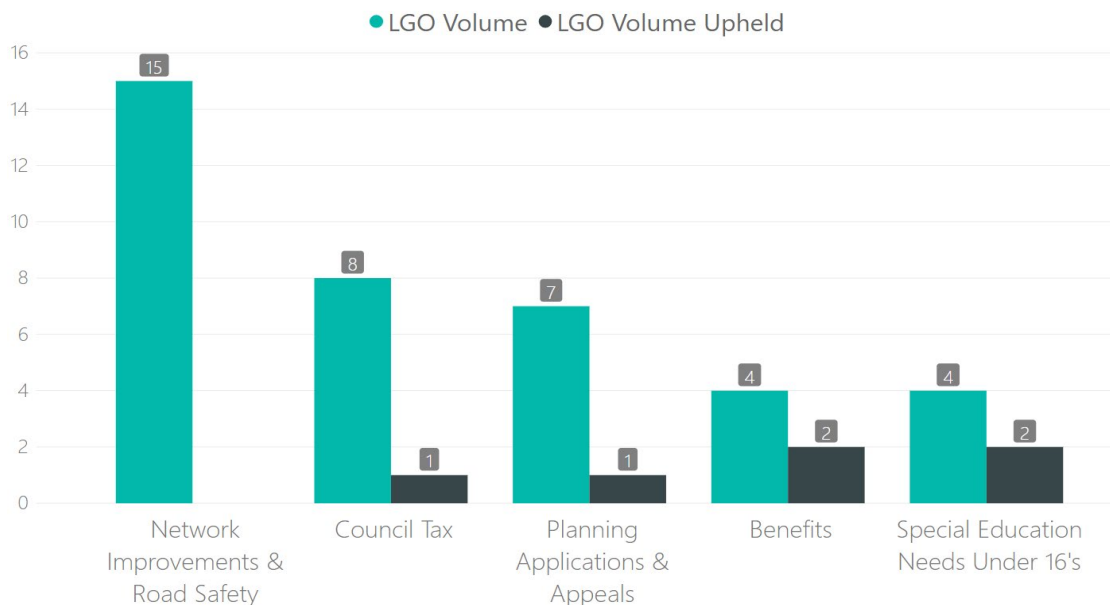
4.2 The services with the highest volume of **stage two** complaints for 2018/19 are as follows:



5. HIGH VOLUME TEAMS- OMBUDSMAN (LSGCO) COMPLAINTS

5.1 The corporate target is to reduce year on year 10% of upheld complaints. This year the council **has reduced** the number of upheld complaints from 23 during 2017/18, to 13 during 2018/19.

5.2 The below shows the teams who have received the highest volume LSGCO complaints, with the number of those upheld.



Upheld Ombudsman complaints:

Team	LGO Recommendation
Housing Renewal	<p>Ms B complains the Council's offer of £250 for delay in carrying out her occupational therapy assessment is inadequate compensation given she was unable to access her bathroom, toilet and bedroom unaided and this denied her independence and dignity.</p> <p>As the Council has now increased its offer to £600, and this is viewed as a fair and reasonable way of settling the complaint, we will not pursue it any further.</p>
Special Education Need (SEN)	<p>Ms B complains that the Council did not provide appropriate special educational needs provision for her son. Ms B complains that the Council wrongly started child protection proceedings. We have not investigated some of Ms B's complaints, including her complaint about child protection proceedings. The Council was not at fault for most of the matters complained about. The Council was at fault for not amending Ms B's son's EHC Plan when it made changes to his provision. But, we cannot say on balance this caused Ms B and her son an injustice.</p>
Special Education Need (SEN)	<p>Ms X complained about the way the Council dealt with her son who has Special Educational Needs and who was permanently excluded from school. The Ombudsman found the Council to be at fault because it failed to provide him with suitable education while he was out of school. It also failed to agree with Ms X how a financial payment awarded by the Ombudsman as part of a previous complaint would be spent. The Council agreed to the Ombudsman's recommendations to remedy the injustice caused to Ms X and her son.</p>
Refuse & Recycling	<p>Mr X complained there was unreasonable delay resolving a complaint about damage that refuse collectors caused to his motorbike. There was significant delay. The Council should pay Mr X £150 to reflect the time, trouble and frustration the matter caused him.</p>
Planning	<p>Mr B complains on behalf of a residents' association the Council failed to consider properly a planning application for a nearby housing development and about its handling of his subsequent complaint. The Ombudsman has found no evidence of fault by the Council in its consideration of the</p>

	<p>application although there was some fault in the way it dealt with the subsequent complaint. The Ombudsman considers the Council's actions of referring Mr B's Code of Conduct complaint to its Monitoring Officer and providing an apology for its failure to reply to correspondence are enough to provide a suitable remedy.</p>
Anti-Social Behaviour Enforcement	<p>(Housing Ombudsman): In accordance with paragraph 42 of the Housing Ombudsman Scheme, it was found that there was service failure in relation to the landlord's handling of Miss X's reports of noise nuisance. As a result the landlord should pay Miss X £100 compensation for the distress and inconvenience caused by its service failure in handling her reports of noise nuisance.</p>
Anti-Social Behaviour Enforcement	<p>Ms D and her mother, Ms X complained that the Council did not deal effectively with antisocial behaviour. The Council investigated the complaints properly but failed to take proper account of the advice from Ms X's mental health professionals. The Council also applied a voluntary contract without Ms D's agreement and without explaining this fully to her. This caused Ms D and Ms X distress. The Council has agreed to apologise to Ms D and Ms X, clarify its actions and review its processes.</p>
Corporate Debt	<p>Miss X complained the Council failed to give her a chance to make a new payment arrangement before imposing an attachment of earnings to recover a housing benefit debt. She complained the amount the Council recovered was too high. There was no fault in the way the Council applied the attachment of earnings order. The Council apologised for several minor faults in its response to the complaint. This was a reasonable remedy for these issues.</p>
Council Tax	<p>The Council is at fault in how it dealt with Mrs Y's and Mrs X's Council Tax accounts which caused distress to Mrs Y and distress and avoidable time and trouble to Mrs X. The Council has agreed to remedy this injustice by making an additional payment of £150 to Mrs X and £100 to Mrs Y. This is an appropriate and proportionate remedy.</p>
Housing Benefits	<p>Ms B complains that the Council's poor management of her housing benefit and council tax support resulted in overpayments which it recouped by deductions from her benefit causing her financial hardship. The Ombudsman finds the Council made repeated errors in calculating Ms B's</p>

	claims because it failed to consider information she had previously provided concerning her weekly pay and childcare costs. Because of this Ms B's benefit payments were continually changing. This caused her a great deal of stress. She was constantly worried about whether she would have enough income to pay her rent. She was also put to considerable time and trouble in having to repeat information she had already provided and was forced to appeal and complain several times.
Housing Benefits	Ms X complains about the way the Council dealt with her Housing Benefit application and Council Tax account since 2016 as she received Liability Orders for non- payment. The Council has accepted it was at fault and incorrectly issued one Liability Order. It also accepted it was at fault as it did not advise Ms X of her appeal rights on decisions about her benefits. The Council has already apologised and offered a payment in recognition of the distress caused. So, the Ombudsman is minded to complete his investigation.

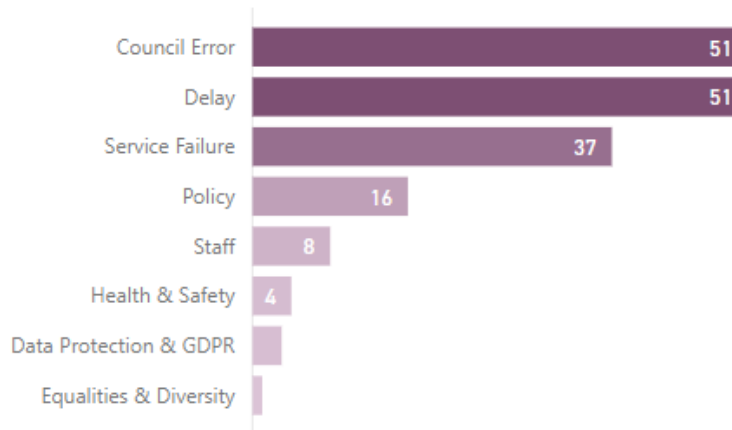
6. THEMES

- 6.1 This section aims to show the high level themes across council departments.
- 6.2 The below table shows some of the main causes per theme.

Theme	Type of cause
Council error	Admin, process, account or data management, wrong information
Delay	Delay in processing or delivering a service delaying in or lack of communication
Service failure	Not providing a service
Policy	Council policy
Staff	Staff behaviour, attitude or approach
Health & Safety	Concerns to resident health & safety
GDPR	Complaint about GDPR process, or delays in process

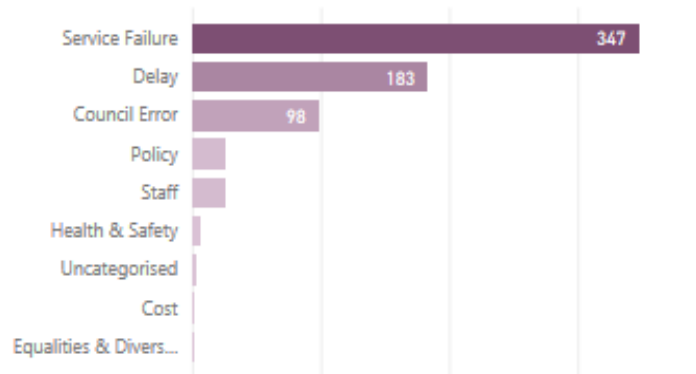
GATEWAY:

Themes



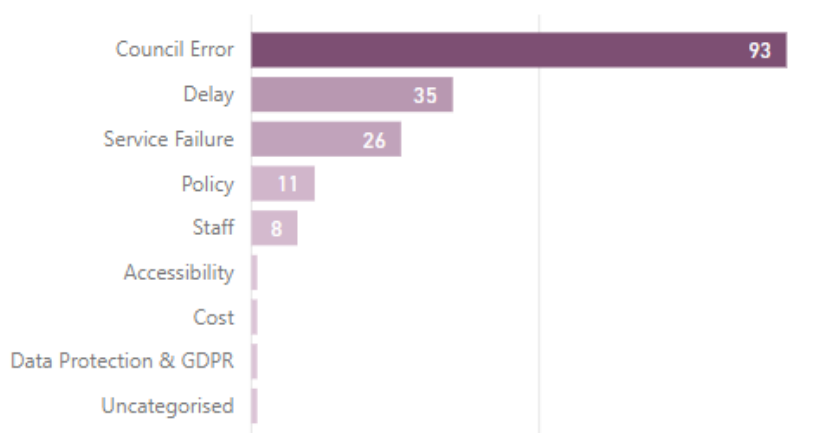
PLACE:

Themes



RESOURCES:

Themes



7. COMMENTARY: From highest volume complaint areas

7.1 To note the Council will be launching a new complaint handling system in July 2019 which will make the process of recording and managing a complaint much simpler across the organisation.

Place: Environmental Services. Danielle Emery, Waste and Recycling Manager.

7.2 The highest volume of complaints were for the Refuse and Recycling Team this year. The team have rolled out a new refuse and street cleansing contract. It was anticipated that a decline in service standards would occur during and after the roll out and therefore have an increase in service enquiries and complaints. Some of the common trends were:

- repeated missed collections
- new bins not arriving
- bin returns and presentation
- lack of monitoring when promised

7.3 Over the last few months as crews are becoming more familiar with their new rounds there has been a significant decline in the number of missed collections across all services, and a corresponding drop in formal complaints and enquiries. The team continue to work with our contractor to identify areas of concerns where performance can be improved. The team have been identifying crews and areas where services issues are not being resolved satisfactorily. They are also making sure residents are reminded to use their My Account to log missed collections within 48 hours as this generates a default notice to Veolia and issues can be monitored to further identify and resolve performance issues.

7.4 The biggest lesson the waste and recycling team have learnt from the complaint during and since the roll out are:

- Better communication with residents on the expectations on bin presentation and how to separate waste.
- Better communication with internal teams such as the contact centre so everyone internally is aware of the changes.
- Processes for monitoring are more robust for the Veolia contract
- Manage customers' expectations on issues and how we will resolve these.

7.5 To address all these issues a new Waste and Recycling Manager has been appointed. Their role is to manage the contract with Veolia so they have more scrutiny on how they work and are operating in Croydon, to work on the

internal processes for the team and to liaise with other council departments to identify and rectify issues going forward.

Finance and Resources: Council tax. Naomi Charles, Quality and service improvement manager.

- 7.6 The team have had an additional 2000 plus properties that have come into the ratings list last year, meaning that the customer base has increased by 1.3% or £3,433,640 in collection. This also means an equivalent increase in administration, and contact.
- 7.7 There have been some staffing retention issues across the year. Additional staff were agreed towards the end of 2018 but recruitment has been challenging, getting the right staff, with the right experience. Additionally the team had a high turnover of temps which contributed to complaints, due officer's not following correct processes.
- 7.8 The main 2 themes in complaints are delays in responding to customer correspondence and officer quality. The team have a more focused approach to resourcing and introducing more performance management to ensure that any issues are picked up early and addressed. This has already shown improvements in a reduction of upheld complaints as quality improves.

Place: Responsive Repairs. Stephen Tate, Director of District Centres and Regeneration.

- 7.9 Over the past financial years there has been improvements made across the repairs service. Over the same period satisfaction has been improving with an increased number of compliments received.
- 7.10 However, in 2018/19 the number of complaints has increased, which has been a focus in our Council contract performance meetings. Analysis has shown that this increase is due predominantly to work not completed, poor customer communication and follow up. This drop in service has been linked to a reduction of both operatives and staff in Axis' contact centre during Q2 and Q3 due to vacancies. Through recruitment Axis have now ensured that there is sufficient resource to meet demand. Additional training has been provided to all staff to ensure that effective diagnostic of repairs as well as additional checks and balances to ensure misdiagnosis are captured and corrected before jobs are raised.
- 7.11 As part of the ongoing focus on reducing complaints, Axis have allocated an additional resource to concentrate on analysis and deliver changes to how jobs are allocated, from geographical to trade demand. Robust reviews take place at monthly contract meetings where performance against each aspect of delivery is discussed and monitored via KPI's. This will be carried forward into the detailed review which is due to take place prior to making a decision about extending the contract after Year 7 for an additional 4 years.

8. BENCHMARKING:

8.1 The below table is a sample of other London Borough's complaints volumes during 2018/2019. The below table shows from highest to lowest complaints relative to the size of the population.

Borough	Population*	Number of Stage 1 Corporate Complaints	Number of Stage 2 Corporate Complaints	Number Upheld Stage 1	Number Within Borough SLA
Lewisham	275,885	3,735	139	613 (16%)	2,631 (70%)
Islington	206,125	2,182	135	1,187 (54%)	2,005 (92%)
Hackney	275,900	2,701	161	Unknown	1,648 (61%)
Wandsworth	307,000	2,874	189	539 (19%)	1,278 (44%)
Barnet	400,600	3,002	274	1,005 (33%)	2,690 (90%)
Thurrock	165,200	1,034	405	455 (44%)	805 (78%)
Croydon	384,837	2,373	191	1,812 (76%)	2,125 (90%)
Haringey	272,900	1,514	358	703 (46%)	1,319 (87%)

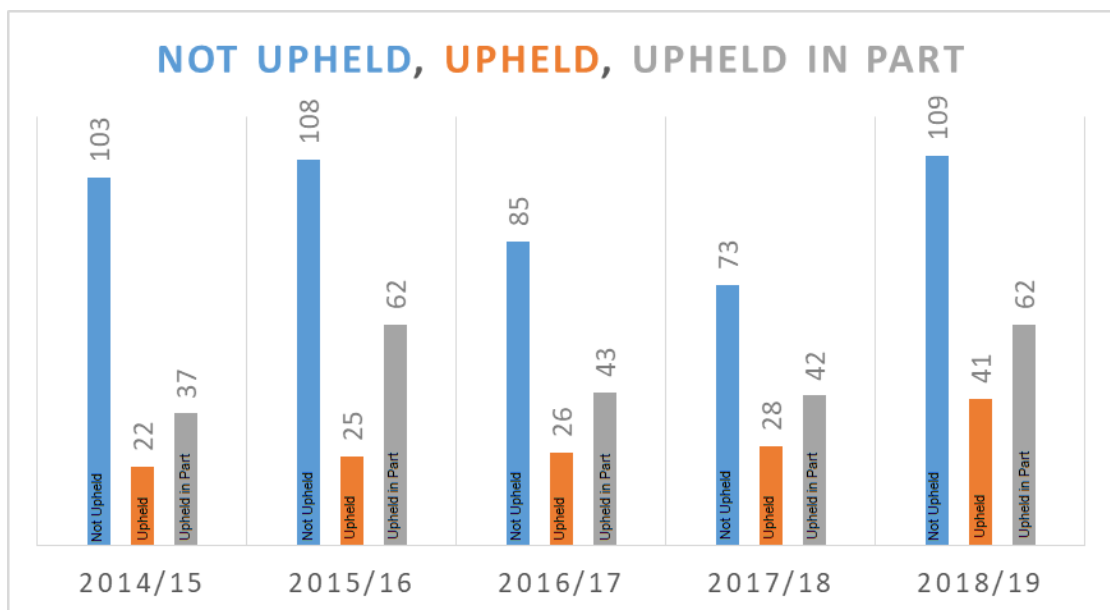
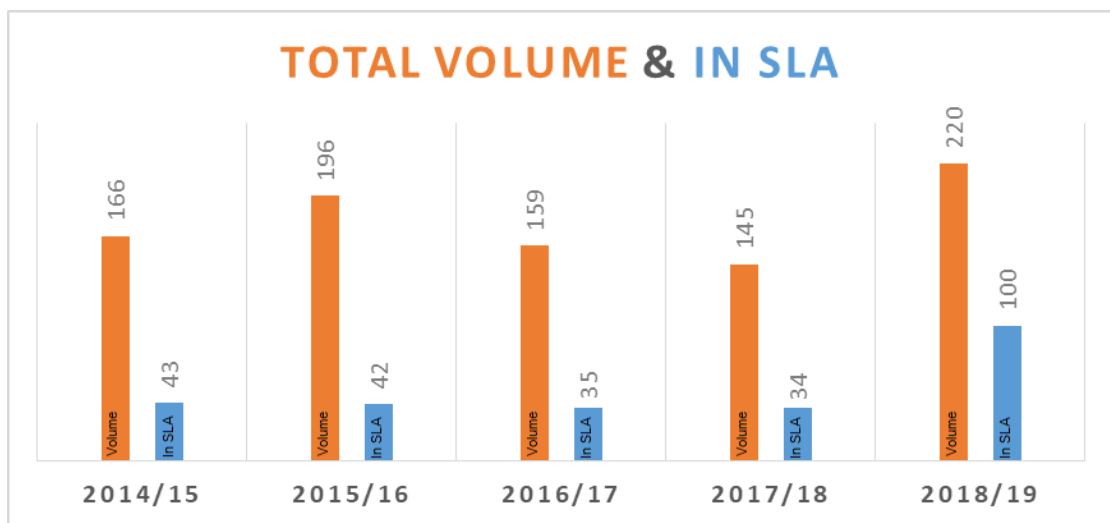
*population figures as of 2011 census except Croydon: Observatory estimate as at 2018

**All boroughs operate different complaints processes. Figures provided by LCMG (London Complaint Managers Group)

** LGSCO figures unavailable for all boroughs until July 2019

9. STATUTORY COMPLAINTS 2018/2019

- 9.1 Statutory complaints. A statutory complaint usually involves issues where the council must follow a formal legal process, such as social care and safeguarding.
- 9.2 Adults and Children's (combined) statutory complaints, 5 year view: 01 April 2014 – 31 March 2019.
- 9.3 As the structure of Divisions and services has changed significantly over the period, the below is shown as an indication of trends over the period.

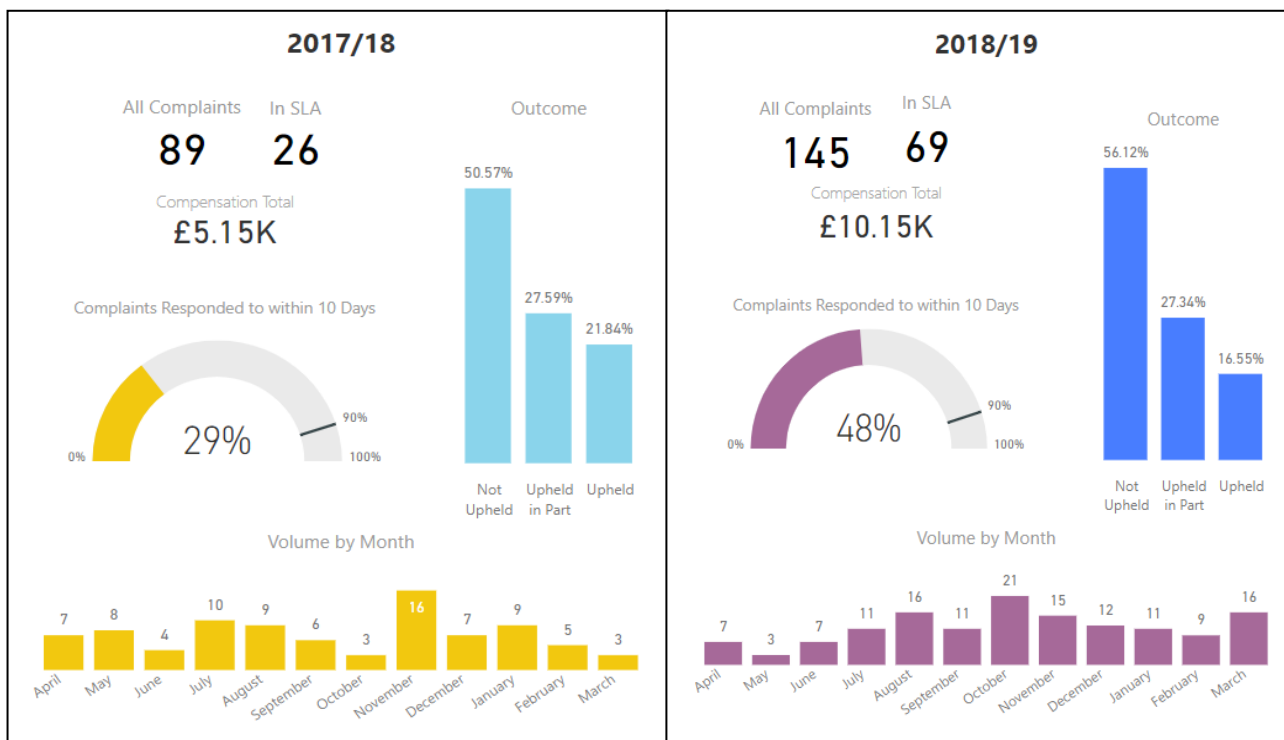


CHILDREN, FAMILIES & EDUCATION (CFE) STATUTORY COMPLAINTS

COMPLAINTS – HIGHLIGHTS/LOWLIGHTS DURING 2018/2019

10. STAGE ONE COMPLAINTS:

10.1 The volume of **stage one** complaints increased by 57% (56 complaints) compared to 2017/18.



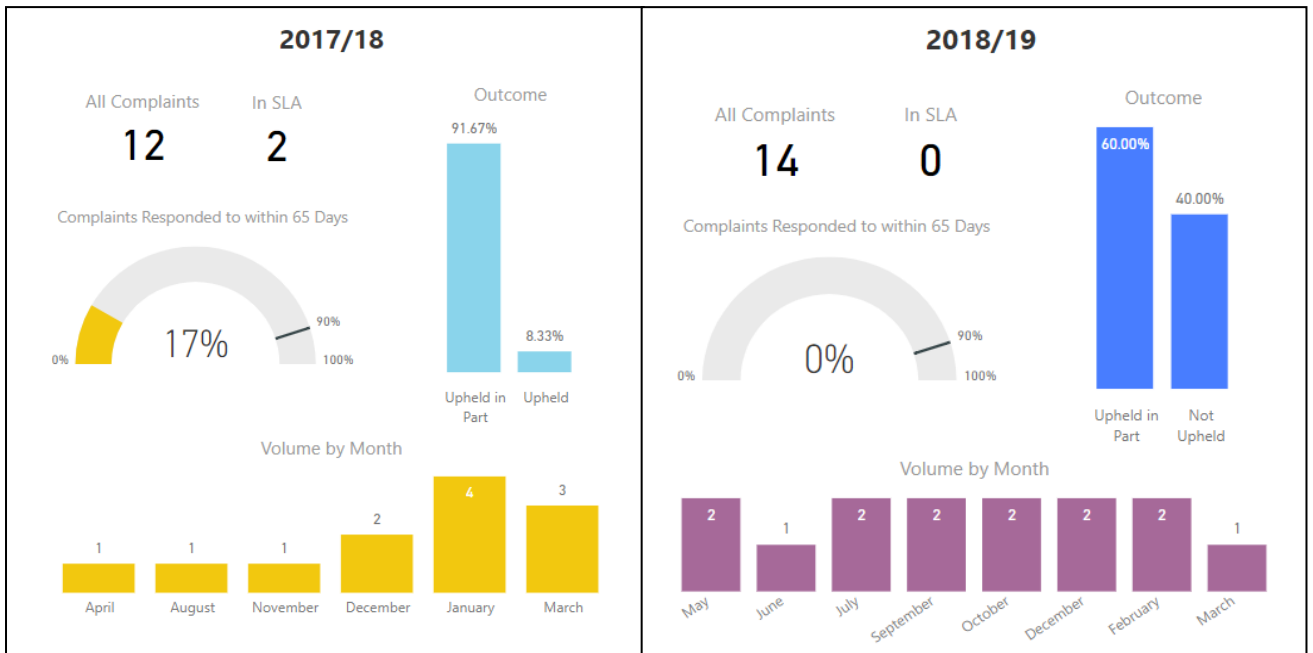
10.2 **49%** of **stage one** or 69 complaints were responded to within 10 working days. This is an increase of 20% in comparison to 2017/18.

10.3 **16%** of **stage one** or 23 complaints were fully upheld during 2018/19, compared to 23% or 21 complaints during 2017/18.

10.4 **28%** of **stage one** or 40 complaints were **partially upheld** during 2018/19, compared to 24% or 22 complaints during 2017/18.

10.5 The service paid **£10.15K compensation** during 2018/19 (this is across all 3 stages). This is compared to £5.15k during 2017/18.

11. STAGE TWO COMPLAINTS:



- 11.1 Total statutory **stage two** complaints for 18/19 **increased by 17%** (2 complaints) compared to 2017/18.
- 11.2 There are 8 statutory cases still ongoing but these have been excluded from the upheld figures.
- 11.3 0 complaints were upheld for this year at **stage two**, compared to 1 last year (pending outcome for 8 cases).
- 11.4 60% or 8 complaints were upheld in part during 2018/19, compared 92% or 11 complaints during 2017/18 (pending outcome for 8 cases).

12. STAGE THREE COMPLAINTS:

(To note: as small numbers of complaints, no graphs have been included)

- 12.1 In 2018/19, there were 4 **stage three complaint** panels, which was an **increase of 3** complaints compared to 2017/18.
- 12.2 1 complaint at **stage three** panel was upheld for 2018/19.
- 12.3 3 **stage three** panels were partially upheld in 2018/19 compared to 1 **stage three** during 2017/18 that was partially upheld

13. LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)

There were **0 statutory LGSCO complaints** escalated to the Ombudsman for 2018/19 compared to 9 in 2017/18.

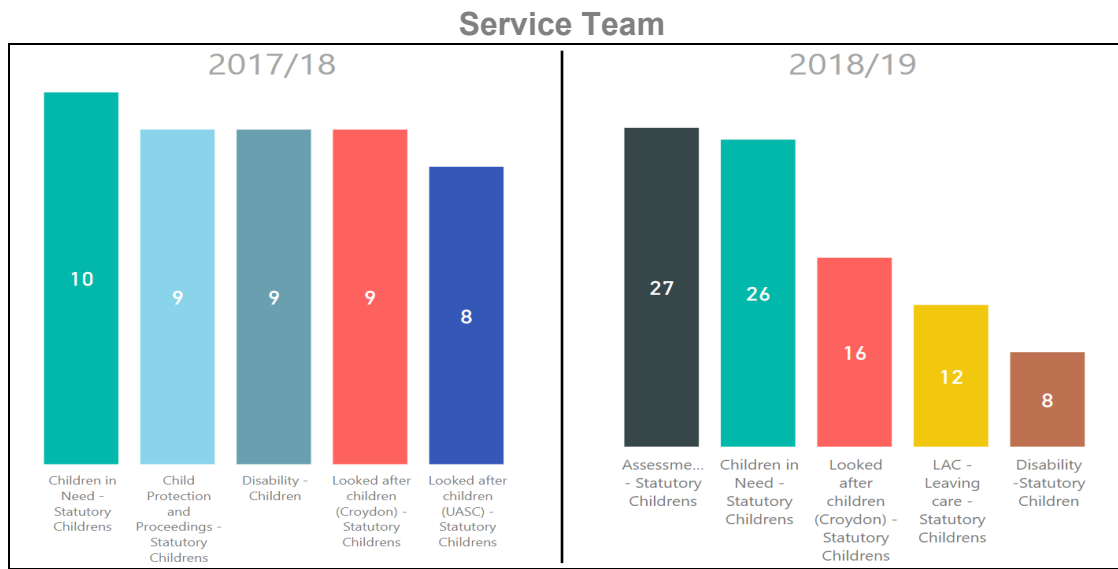
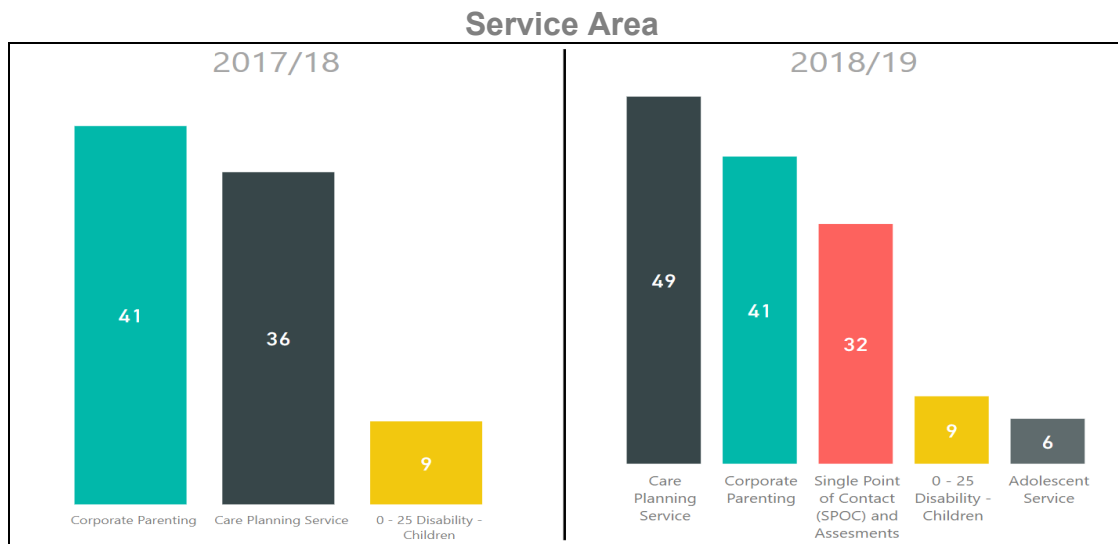
14. CFE STATUTORY: STAGE 1 COMPLAINT THEMES

14.1 It was not mandatory to log the theme for stage 1 complaints until December 2018. The below table shows the most recent trends from December 2018 – March 2019).

Theme: Dec18 – Mar 19	Volume
Poor Communication	22
Lack of Action	8
Meetings (scheduling/attendance of)	7
Staff Conduct/Professionalism	6
Poor Case Management	6

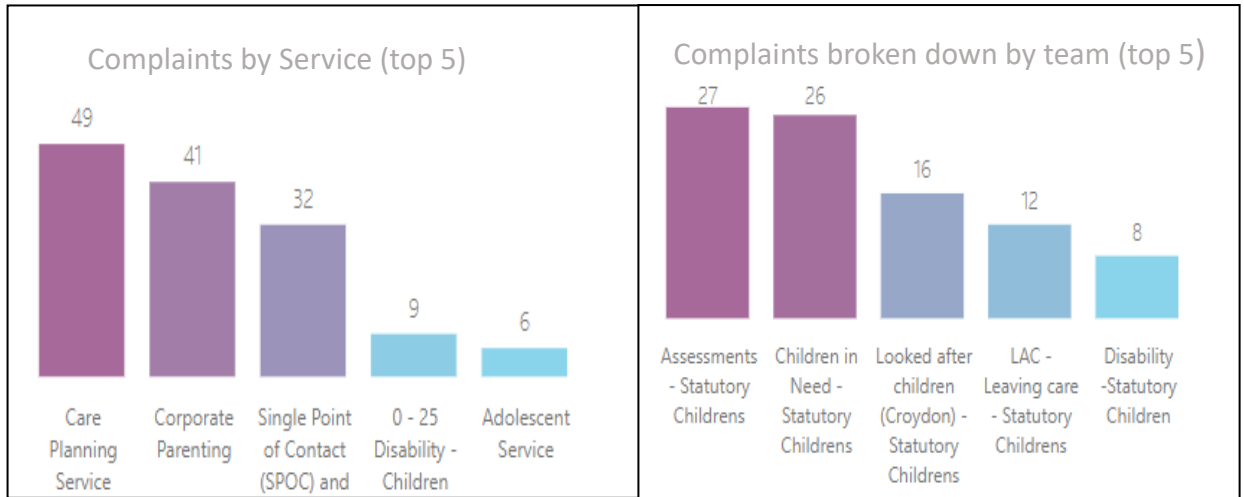
15. CFE STATUTORY STAGE ONE COMPLAINT VOLUMES BY SERVICE AREA AND TEAM

15.1 The below table shows complaints received by service area (highest volume areas), and in addition to break down to individual team.



16. CFE STATUTORY: STAGE TWO COMPLAINT VOLUMES BY SERVICE AREA AND TEAM

16.1 The below table shows complaints received by service area and by service team (highest volume areas):



17. Complaints Commentary: Shaun Hanks, Head of Quality Assurance and Safeguarding, Early Help and Children’s Social Care.

17.1 The 2017 inspection of children’s services by Ofsted outlined that there was a need to:

“Strengthen training and work on complaints and embed a culture of feedback. Improve the analysis of complaints and the understanding of the reasons why children, families and foster carers complain, in order to address issues raised.”

17.2 The complaint themes are:

- **Poor Communication:**

The main issue that was raised was a lack of communication of decisions in writing. The Single Point of Contact (SPOC) and Assessment teams are working to improve written responses to referrers and families. The Independent Reviewing Officer and Child Protection Service have also focussed upon the timeliness of minutes being distributed and are piloting the use of letters to children as a record of their review.

- **Lack of action:**

This was evidenced in a lack of response to emails and phone calls. Within Children’s Social Care administrators are now monitoring phone lines when workers are out of the office and caseloads are reducing, which will provide the time for emails/ phone calls to be responded to in a timely way.

- **Poor Case Management and scheduling meetings:**

The audit, supervision and performance monitoring processes are now in place and they are identifying individual case management issues, and improvement plans are in place where required.

- **Staff Conduct/ professionalism:**

In general the complaints in this area are related to staff members' inability to have challenging conversations with families. The training and approach in systemic practice is having a positive impact on the way in which supervision and meetings are conducted, and this will lead to further improvements in this area.

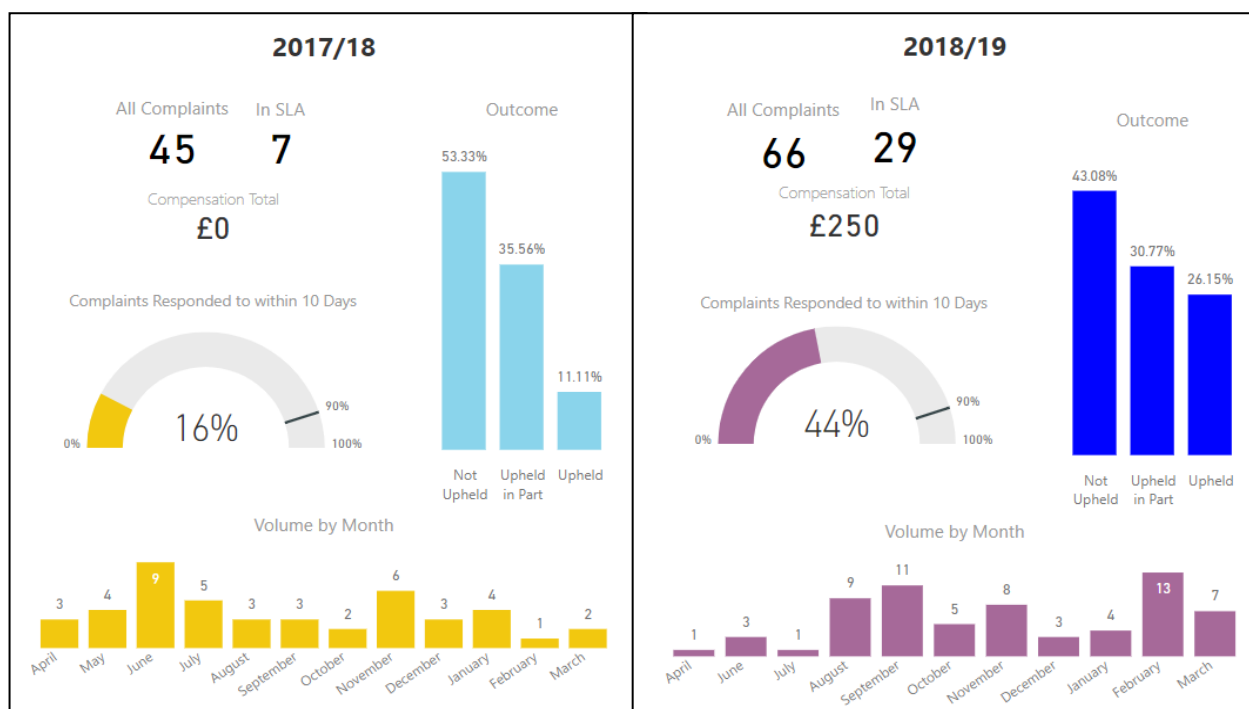
17.3 In addition to the above learning, Children's Social Care are addressing complaints through:

- The roll out of new training in relation to responding to complaints for Team Managers. This is starting to show an impact on the timeliness of response and early resolution.
- Increased use of performance monitoring around complaints to identify due dates for responding.
- The creation of a complaints and FOI post to provide a centralised approach within children's social care to help staff resolve and respond to complaints effectively.
- The Head of Service for Quality Assurance and Safeguarding meets regularly with the complaints team, to identify current issues and these are considered at the monthly 'Learning Loop' meetings to identify actions.

HEALTH, WELLBEING & ADULTS (HWA) STATUTORY COMPLAINTS

18. COMPLAINTS – HIGHLIGHTS/LOWLIGHTS DURING 2018/2019

Stage One Complaints:



18.1 Total statutory **stage one** complaints for 2018/19 **increased by 41%** or 22 complaints compared to 2017/18.

18.2 **41%** of **stage one** or 31 complaints were responded to within 10 working days, compared to 16% or 7 complaints in 2017/18.

18.3 A significant number of adults cases will and have been extended due to the complexity of the subject matter, and also the need for joint working with external partners such as Health. This is not reflected in the figures above, due to current system constraints. However, a new complaints system is being launched in July 2019 and this will enable more accurate reporting around agreed extensions.

18.4 **26%** of **stage one** or 17 complaints were fully upheld in 2018/19, compared to 11% or 5 complaints in 2017/18, and **£250** compensation was paid in 2018/19 compared to £0 in 2017/18.

Local Government & Social Care Ombudsman (LGSCO)

18.5 **4** complaints were escalated to the LGSCO for 2018/19, compared to **6** during 2017/18.

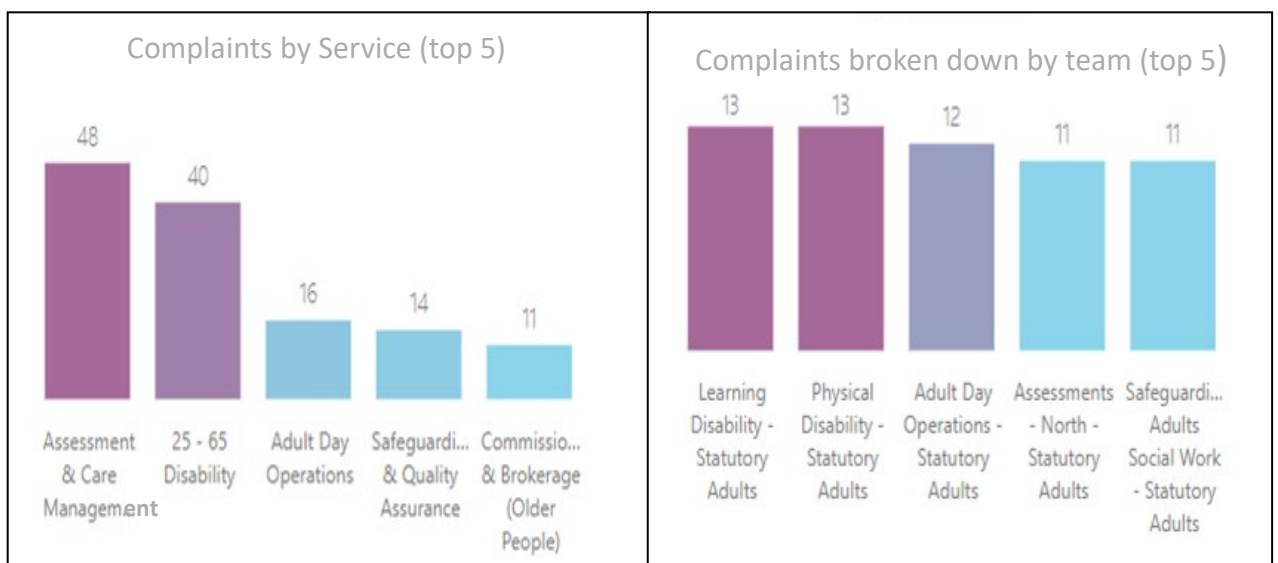
18.6 **2** complaints were upheld by the LGSCO during 2018/19 compared to **4** upheld during 2017/18.

19. HWA Statutory: Stage One Complaint Themes

19.1 The below table categorises the complaints received into overall themes. Only part year data is available as this was not a mandatory field to complete until December 2018.

Theme	Total
Poor Communication	11
Lack of Action	5
Poor Case Management	4
Staff Conduct/Professionalism	3
Positive	2
Meetings	3
No Finding	1
Total	29

HWA Statutory: Top 5 stage one complaint volumes by Service Area and Team



20. Complaints Commentary: Caroline Baxter, Assistant Director 0-65 Disability Service, Adult Social Care and All Age Disability

20.1 In the twelve months up to the 31st of March 2019 the Health, Well Being and Adults Department supported **12,091 residents**.

20.2 The main trends that are being seen are poor response time, not following up on concerns raised and lack of communication.

Learnings and Implementation:

- The new localities model in older people's services has already had a very positive impact on waiting lists, reviews and therefore less concern for residents in respect of response times.
- Communications – we have a dedicated Communications Officer in post for the service and this is providing much needed additional information for officers who are more able to cascade information to individuals appropriate to their situation and requirement.
- Officers are more visible to the residents and this has begun to develop confidence.
- Reacting more quickly to reports of service failure, prompt working with providers either internal or external to improve services.

Challenges

- Demand on the service has increased, provider failures and provider closures have caused increased concerns, stress and worry for residents.
- Ensuring that all staff understand the timescales for complaints and allocate enough time to respond accordingly
- Complaints not being sent through the correct channels meaning that the Complaints Officer does not see them and consequently they do not get logged and followed up according to process.
- We have been proactive in our response to the recent Carers and Service User surveys. Issues within the replies have been treated as complaints which has artificially raised our numbers as some of these may never have been sent as formal complaints. We wished to address the concerns raised head on and treat them as complaints to prove to residents that their feedback is valuable and responded to as required.
- When there are complaints that cut across more than one department this can lead to delays and this can be problematic.
- A Council Cloud Complaints email address that was not being monitored was discovered to be holding a significant number of out of date complaints – these have now been addressed but this caused a spike in numbers.

Mitigation

- Regular meetings with Heads of Service identifying areas of weakness and concern in respect of trends and responses to complaints.
- Building better relationships with Corporate Complaints department

- Utilising the improved data provided by Corporate Complaints more effectively
- Regular communications with officers in the department to remind them of their individual responsibilities and providing support as required
- Strengthening relationships with residents by being more visible and interactive.