

Report of the Chief Officer, Customer Access

Report to the Corporate Governance & Audit Committee

Date: 19 September 2014

Subject: Report on the review of customer relations 2013-14 and Local Government Ombudsman's Annual Review Letter 2013-14

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report provides comment and feedback for the committee on the review of customer relations (compliments, complaints and feedback) for 2013-14, including Local Government Ombudsman's (LGO) annual review letter for Leeds, dated 7 July 2014.
- 2 Using an overview of the complaints to the council during 2013/14, this report sets out the council's arrangements for responding to complaints made by the public, the key objectives of which are:
 - 1 to make it easy for people to complain or provide feedback;
 - 2 to try to resolve complaints at an early stage; and
 - 3 to learn lessons from the issues raised through complaints.
- 3 The report shows broadly positive trends against these objectives. The number of complaints received by the council has fallen on the previous year, and the council is responding to more complaints within stated timescales than ever before. The proportion of cases which progress beyond the early stages has also fallen, with comparatively few complaints proceeding to the LGO and Housing Ombudsman Service (HOS), and a comparatively small number and proportion of investigations find fault on the part of the council.
- 4 The report does show that there are, however, some areas where the council needs to improve in learning lessons from compliments, complaints and feedback, and that these are being appropriately addressed.

- 5 Taken together, these developments provide assurance that the council's processes for handling complaints are, on the whole, working effectively.

Recommendations

- 1 Members are asked to consider the issues raised in the report and the supporting contextual information provided in the appendix.
- 2 Members are asked to confirm that the report and supporting information provides external assurance as to the effectiveness of the council's approach to complaints.

1 Purpose of this report

- 1.1 To summarise the council's complaints and Ombudsman cases for the period 1 April 2013 to 31 March 2014.
- 1.2 To discuss the effectiveness of Ombudsman arrangements and LGO Annual Review Letter to the council, a copy of which can be found in **Appendix 1**.
- 1.3 To assess the overall effectiveness of the council's approach to compliments, complaints and feedback.

2 Background information

- 2.1 The council has a compliments and complaints policy and procedure which has been in place for a number of years, co-ordinated by directorate customer relations officers, and accountable to the council's Customer Strategy Board. The arrangements have three aims: i) to make it easy for people to complain to the council; ii) for the council to resolve complaints at the earliest stage possible; and iii) for the council to learn lessons from complaints to prevent them from recurring. In order to make it easy for people to complain to the council, the council uses a range of posters, leaflets, online forms and online supporting information.
- 2.2 The council operates a two stage complaints process. In order to try and resolve the complaint as early as possible, at the first stage, complaints are dealt with by an officer or manager from the service complained about, who investigates the issues raised, looks to resolve them and responds to the customer within the relevant timescale.
- 2.3 Should the customer remain dissatisfied after this stage, they can take their complaint to the second stage of the complaints process. At the second stage, a more senior officer will investigate and respond to the customer's concerns. The officer will look at how the original complaint was dealt with and also respond to any further issues that the customer may have raised with us. Adult Social Care and Children's Social Care have separate statutory procedures.
- 2.4 A customer who progresses to the final stage of our complaints policy is advised in our response of their right to take their complaint to the relevant ombudsman, should

they remain dissatisfied with the outcome, and depending on the Ombudsman's jurisdiction. The LGO and HOS advise customers to go through all stages of an authority's complaints procedure before investigating a complaint.

3 Main issues

3.1 This report covers the following issues relating to the review of 2013-14 and LGO Annual Review Letter:

- Overview of complaints to the council;
- Patterns and trends of LGO enquiries and complaints;
- Implications of changes in roles and jurisdiction; and
- Assessment of the effectiveness of the council's overall approach to compliments, complaints and feedback;

Overview of complaints to the council

3.2 The majority of complaints to the council do not progress beyond the initial stage described in section 2.2. Stage 2 and LGO/HOS complaints continue to be a very small proportion of complaints which are made to the council each year, summarised in the table below. In 2013/14 the council received 4,795 stage one complaints with 329 (7% of all complaints) progressed to the second stage of our complaints process. Of those, 145 people complained to the LGO/HOS, of which 24 found fault.

Year	Stage 1 complaints	Stage 2 complaints	Ombudsman cases	Ombudsman finding fault
2013-14	4795	329	145	24
2012-13	5473	440	146	30

3.3 In June 2014 a report on 2013/14 compliments, complaints and LGO/HOS cases was presented to the council's Customer Strategy Board. As part of the annual report process, all directors are required to provide feedback on any trends in complaints identified over the year and what actions were taken to address them. Particular attention was given to cases where the council has been instructed by the LGO/HOS to make a payment. This accountability process is important in delivering one of our objectives in relation to learning from complaints.

3.4 A trend identified in the report was that complaints had fallen in volume, both at stage 1 (down by around 700) and stage 2 (down by around 90), almost wholly accounted for by a fall in complaints about housing management issues, which had been largely addressed as service enquiries, rather than formal complaints. Complaints had

increased in volume about environmental services (up by around 200). The council also recorded an increase in compliments (1429, up from 1031 the previous year).

- 3.5 A related trend identified was that the council had responded more quickly to complaints than in previous years, an increase from 79% stage 1 complaints to 89% complaints responded within stated timescales. The directorates with the largest improvement in responsiveness were Environment & Housing and Children's Services.
- 3.6 The report also identified areas for improvement, particularly around the early identification and investigation of complaints which have an equalities or alleged discrimination aspect. The council only identified 35 complaints during 2013-14 where the complainant had alleged that discrimination had taken place or that their equality characteristics had not properly been taken into account. These are discussed in section 4.2 below.

Patterns and trends of LGO enquiries and financial settlements

- 3.7 In previous years, the LGO has produced a detailed breakdown of the council's performance, including how many complaints were remedied during the LGO's investigation and the number of cases where the LGO identified only minor injustice. The LGO changed their way of handling complaints during 2012/13 and with housing landlord complaints falling within the remit of the HOS, the LGO no longer writes a detailed report on each council. The HOS does not provide an annual report on each landlord.
- 3.8 During 2013/14, the LGO and HOS issued decisions on 141 complaints (compared to 146 decisions by LGO in 2012/13). The number of decisions includes complaints where the LGO has used their discretion not to investigate or because the issue is outside of their jurisdiction. Of these 141 complaints, the LGO and HOS found fault in 24 of these cases and 36 cases were outside of jurisdiction. The number where fault has been found has improved (17%) a fall from 20% of cases last year. No fault was found in the remaining 81 cases (57% of all decisions received). Although this percentage indicates a fall compared to 72% of cases finding no fault last year, this is due to the high number of cases deemed as outside jurisdiction.
- 3.9 The nature of complaints by service area is broadly similar to previous years. In 2013/14 26% of decisions received related to housing, compared to around a third of cases the previous year. The next highest service area is education and Children's Services, with 18% of decisions (compared to 25% last year).
- 3.10 The total financial settlements agreed by the LGO/HOS for the previous 4 years are set out below:-

10/11 = 47 cases £25,481

11/12 = 35 cases £16,064

12/13 = 17 cases £13,664

13/14 = 16 cases £67,036

- 3.11 This is a major increase on previous years, because of one case where the LGO imposed a settlement of £43,527. The settlement was offered to a foster carer for failing to provide adequate respite provision for a child with complex learning

difficulties over several years between 2004 and 2011. The council apologised for its failings and made payment of £39,027 for the loss of respite provision, 75% of the cost to the council in providing 40 days respite a year over a 7 year period. In addition, the council paid damages (£2000), time and trouble (£500) and distress (£2000).

Implications of changes in LGO/HOS role and jurisdiction

- 3.12 On 1 April 2013, the role and jurisdiction for investigating complaints about the council's function as a landlord passed from the LGO to the HOS, as set out in the Localism Act 2011.
- 3.13 The major change for the council is that in accordance with the Localism Act 2011 complainants have the option to take their case to a 'designated person', to see if the dispute can be resolved, before contacting the HOS. Any UK MP and any Leeds City Council Councillor can currently act as a designated person, and the council is investigating options for tenant panel members to act as designated persons. Member support teams have guidance to provide support to individual members who are contacted in their role as a designated person. Designated persons can decline to consider a complaint or they can choose to refer a complaint on to the HOS. A complainant can also 8 weeks from the date of the council's final response rather than approach a designated person first.
- 3.14 In 2013/14 there were very few referrals to designated persons to try and resolve housing complaints informally. The number of decisions made by the LGO (25) significantly exceeded those by the HOS (3), as the LGO continues to have jurisdiction over the council's wider activities, for example in discharging their statutory duties.

Assessment of the effectiveness of the council's overall approach to compliments, complaints and feedback

- 3.15 The assessment of the effectiveness of the council's overall approach to compliments, complaints and feedback balances positive trends with some areas for improvement.
- 3.16 On the positive side, the council continues to encourage people using a range of channels to let us know how well we have done, and ask that we take action, either to remedy a problem, or to pass on a compliment or thanks to the member(s) of staff. The number of complaints at stages 1 and 2 has fallen, the number of compliments has increased, and the council is responding to complaints more quickly than ever before.
- 3.17 The main area for development is that of the need to identify and address equality and alleged discrimination, particularly at a time when the council is making difficult choices in service design and provision. The perceived under-recording of these types of complaints is being addressed through the teams which administer complaints.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 As this report is providing the committee with information on past performance with regards to compliments, complaints and feedback, and LGO cases, no specific consultation or engagement has been sought.

4.1.2 The cross-council group of customer relations officers have, however, drawn on South East Tenant Scrutiny investigation and November 2013 report on complaint handling. The report is broadly very positive and complimentary about how the council handles housing complaints. The Tenant Scrutiny group have made a number of recommendations to Housing Advisory Board in April 2014 (for housing complaints) and to Customer Strategy Board in April 2014 (for cross-council complaints).

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Section 3.4 highlighted the risk that the council may be under-reporting and potentially not paying appropriate attention to complaints where there is equalities or alleged discrimination aspect. This is a particular concern where the council may be making decisions to reduce services to operate within a lower budget. To check that each customer relations team is working in line with the required arrangements, they have been asked to work with a member of the Equalities team and report back at the next customer relations meeting in September 2014.

4.2.2 The LGO has not highlighted any issues regarding Equality, Diversity, Cohesion or integration in the Annual Letter for 2013/14.

4.3 Council policies and City Priorities

4.3.1 The review of compliments, complaints and feedback and LGO letter has not raised any issues that would impact on council priorities or city priorities.

4.4 Resources and value for money

4.4.1 Our compliments and complaints are free feedback from our customers on what has gone wrong for them, and what we could or should have done differently or better. We are also giving a higher profile than ever before to compliments and feedback, to make sure that expressions of thanks and other comments are used to recognise contribution of council staff. In doing this, we can also identify areas of improvement, to make our services more effective, in particular, more joined up and responsive to people's individual needs and circumstances. Each LGO/HOS investigation and equality/discrimination complaint uses a case conference approach, the aims of which are to ensure that the investigation is i) thorough and timely, and ii) actions are put in place to prevent similar problems from occurring.

4.4.2 The earlier faults or mistakes are identified and addressed, the more cost effective the process is. LGO/HOS cases can have resource implications as the council should have resolved the issue earlier, but also have financial implications as the LGO/HOS has the authority to impose financial settlements. All cases of local

settlement are reported to the council's Customer Strategy Board to ensure that lessons are learnt across the council.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this report is providing an update on past performance relating to compliments, complaints and feedback, and LGO/HOS cases dealt with during 2013/14, it does not have any legal implications. None of the information enclosed is deemed to be sensitive or requesting decision, and therefore raises no issues for access to information or call in.

4.6 Risk Management

4.6.1 As this report is providing an update on past performance relating to compliments, complaints and feedback, and LGO/HOS cases dealt with during 2013/14, there are no significant risks identified by this report.

5 Conclusions

5.1 In previous years the Annual Review Letter has provided the council with valuable feedback as to the LGO's view on our performance during the previous year. The letter this year does not comment on the effectiveness of our arrangements, so this report has focused in more detail about the broader pattern and trend of compliments, complaints and feedback to the council.

5.2 This report has described the general arrangements in place for responding to complaints made by the public. It has also described how in practice the council has a balancing act, to make it easy for people to complain to the council, to resolve customer complaints at an early stage and to learn lessons from the issues raised through complaints. It has described that while complaints are being responded to in shorter timescales, there are plans to make sure that the council is not overlooking complaints with an equality or discrimination aspect.

5.3 The report has drawn on the overview of 2013-14 to show that the council is continuing to inform people of their right to complain to us. The report has also shown that the trend in complaints is downward, and that the majority of complaints continue to be resolved at the first stage. It has also shown that good practice is in place, particularly for LGO/HOS complaints, to ensure that lessons are learnt from complaints. The information detailed in this report enables us to give assurance that the current system is fit for purpose in this respect, and this provides assurance that complaints are operating as intended.

6 Recommendations

6.1 Members are asked to consider the issues raised in the year end complaints results and LGO Annual Review Letter.

6.2 Members are asked to confirm that the information provides external assurance as to the effectiveness of the council's approach to complaints.

7 Background documents

Appendix 1 LGO Annual Review Letter 7 July 2014