

Report of the Chief Officer, Customer Access

Report to the Corporate Governance & Audit Committee

Date: 18 September 2015

Subject: Report on the review of customer relations 2014-15 and Local Government Ombudsman's Annual Review Letter 2014-15

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 2014-15, including Local Government Ombudsman's (LGO) annual review letter for Leeds, dated 18 June 2015.
- 2 Using an overview of the complaints to the council during 2014/15, this report sets out the council's arrangements for responding to complaints made by the public, the key objectives of which are:
 - to make it easy for people to complain or provide feedback;
 - to try to resolve complaints at an early stage; and
 - 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 complaints are increasing, where the council needs to improve in learning lessons from compliments, complaints and feedback. The report shows that these issues 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

- 6 Members are asked to consider the issues raised in the report and the supporting contextual information provided in the appendices.
- 7 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 2014 to 31 March 2015.
- 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 Citizens and businesses have a choice about who they contact about council services, and there are a wide range of options open to people when they choose to provide feedback or to make a complaint. As a broad rule, the council seeks not to limit that choice, but to operate a 'no wrong door' approach. This means that, irrespective of whom the person chooses to contact, and channel by which they make that contact, their questions should be answered and appropriate action should be taken, and steps taken to learn lessons from what went wrong.
- 2.2 The table below outlines a framework for how different types of feedback (particularly complaints, appeals against decisions and critical feedback) are handled in the council. The four columns on the right hand side show the routes for formal complaints to the council and the relevant policies and standards. The other columns illustrate the framework when people don't use the complaints approach, such as appealing against a decision, contacting their local councillor, and using social media.

Table 1: Types of complaint to the council

	Appeal against decision	Ward member contact	Social media	Telephone complaint	In person complaint	Web complaint	Complaint form/letter
	includes school place, parking fine, parking permit, application for council tax support	http://democracy.leeds.gov.uk/mgFindMember.aspx	https://www.facebook.com/Leedscouncil/ https://mobile.twitter.com/leedscouncil_help	0113 22 4405	At every public building	http://www.leeds.gov.uk/council/Pages/Let-Us-Know-Compliments-Complaints-and-Feedback.aspx	By post (freepost address) Email to complaints@leeds.gov.uk
Timescale for reply:	Set by the specific service	10 working days (based on current email and letter standards)	Same day			Acknowledgment within 3 days Reply 10-20 days (depending on type of complaint)	
Policy:	Covered by the relevant policy, guidelines	Members' correspondence policy	Social media guidelines			Compliments, Complaints and Feedback policy Special procedure for complaints with alleged equality or discrimination aspect Special procedure for complaints about Data Protection (DPA), Freedom of Information (FOI)	
Appeal/escalation:	Set by the specific service	Executive/Lead Member	Will depend on the subject			Option for stage 2 (review)	
External appeal:	Ombudsman or court	None				Local Government Ombudsman Housing Ombudsman	

- 2.3 The council has a compliments and complaints policy and procedure which has been in place for a number of years, co-ordinated by twelve customer relations teams, and accountable to the council's Customer Strategy Board. The policy and framework has three aims:
- to make it easy for people to complain to the council;
 - for the council to resolve complaints at the earliest stage possible; and
 - for the council to learn lessons from compliments, and feedback, and 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. The teams currently use two different ICT systems to administer complaints, although the council is planning to converge on one core customer relations system in the next several months

- 2.4 In many cases, the officer or manager may speak to the customer and see if they can resolve the problem without initiating a complaint. If the problem needs to be dealt with as a complaint, the council operates a two stage complaint process. In order to try and resolve the complaint as early as possible, at this first stage, the complaint is handled 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.
- 2.5 Should the customer remain dissatisfied after this stage, they can take their complaint to a second, review, stage of the complaints process. At this 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 procedures in line with statutory regulations, and the council also has specific procedures for complaints with an alleged discrimination aspect, or which are about data protection or freedom of information.
- 2.6 A customer who progresses to the review 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 2014-15 and LGO Annual Review Letter:
- Analysis of complaints to the council;
 - Patterns and trends of LGO and HOS enquiries and complaints;
 - Analysis of compliments and feedback short of a complaint (known as 'service requests'); and
 - Assessment of the effectiveness of the council's overall approach to compliments, complaints and feedback.
- 3.2 The report does not cover the issue re the application of GIS on the Council's Website raised during the last meeting of Corporate Governance and Audit Committee on 7th July 2015. This issue has been dealt separately with Cllr

Illingworth through a demonstration of the new GIS mapping capability being implemented on the website for the Site Allocation consultation.

Overview of complaints to the council

- 3.3 The majority of complaints to the council do not progress beyond the initial stage described in section 2.4. Reviews 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 2014/15 the council received 4133 stage one complaints, of which 284 (7% of all complaints) progressed to the second stage of our complaints process. Of those, 127 people complained to the LGO/HOS, of which 28 found fault.

Table 2: Trends in complaints, last three years

Year	Initial complaints	Reviews (stage 2 or 3)	Ombudsman cases	Ombudsman finding fault
2014-15	4133	284	127	28
2013-14	4795	329	145	24
2012-13	5473	440	146	30

- 3.4 **Appendix 2** gives a further breakdown of complaint trends by directorate over the 2014-15 year, with comparison against the previous year. This breakdown is included in the report presented to the council's Customer Strategy Board where, 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. During this review process 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.
- 3.5 A further trend identified from 2014/15 is that complaints had fallen in volume, both at stage 1 (down by around 600) and stage 2 (down by around 40), largely accounted for by a fall in complaints about housing management issues. Complaints had increased in volume about Adult Social Care and Children's Services (each up by around 50). The council also recorded a fall in compliments (1192, down from 1429 the previous year).
- 3.6 Similarly the council had responded more quickly to complaints than in previous years, an increase to 93% of stage 1 complaints (up from 89% last year) responded within stated timescales. The directorates with the largest improvement in responsiveness were Citizens & Communities, Environment & Housing, and Belle Isle TMO. A good proportion of complaints were responded to quicker than the targeted timescales too, with Citizens & Communities for example, answering 68% of stage 1 complaints in under 10 working days. Two directorates, City Development and Children's Services, had a slight (3-5%) fall in responsiveness.
- 3.7 One area identified for improvement from the review is the early identification and investigation of complaints which have an equalities or alleged discrimination aspect. The council only identified 35 complaints during 2014-14 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 sections 3.18 and 4.2 below.

Patterns and trends of LGO/HOS enquiries and financial settlements

- 3.8 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.
- 3.9 During 2014/15, the LGO and HOS issued decisions on 127 complaints (compared to 145 decisions in 2013/14). The number of decisions includes complaints where the ombudsman has used their discretion not to investigate or because the issue is outside of their jurisdiction. Of these 127 complaints, the ombudsman found fault in 28 of these cases. The number where the ombudsman found fault has increased (22%) a rise from 17% of cases last year. The remaining cases were either 'no fault', 'fault remedied during investigation' or 'outside jurisdiction'.
- 3.10 The nature of complaints by service area has shifted from previous years, with schools and planning overtaking housing as the largest areas of investigation by the ombudsman. In 2014/15 a third of all ombudsman cases related to schools and school places, compared to around a third of cases the previous year.
- 3.11 The total financial settlements agreed by the LGO/HOS for the previous 3 years are set out below:-
- | | |
|------------------|---------|
| 12/13 = 17 cases | £13,664 |
| 13/14 = 16 cases | £67,036 |
| 14/15 = 13 cases | £11,886 |
- 3.12 This is a fall on previous years. The value of financial settlements last year was skewed by one case where the LGO imposed a settlement of £43,527. The average value of settlements by the ombudsman was around £900, and settlements ranged from £100 to £4225. In 15 cases, the ombudsman found fault but did not impose a financial settlement.

Implications of changes in LGO/HOS role and jurisdiction

- 3.13 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.
- 3.14 The major change for the council was 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 been provided with guidance to provide support to individual members who are contacted in their role as a designated person, with drop in sessions taking place. These sessions are planned to be refreshed during the

coming year. 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.

- 3.15 In 2014/15 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. Further, only in a very small proportion of stage 1 complaints (1-5%) had an elected member recommended that this be investigated as a complaint.
- 3.16 In March 2015, the Cabinet Office began consultation on proposals to combine public services ombudsman into a single body, following on from the Gordon report of 2014. It recommends creating a new Public Service Ombudsman (PSO), bringing together the existing jurisdictions of the Parliamentary and Health Service Ombudsman, Local Government Ombudsman and Housing Ombudsman Service. The report highlighted the opportunity for an improved customer experience through an integrated service and the opportunities to improve public service systems.

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

- 3.17 The assessment of the effectiveness of the council's overall approach to compliments, complaints and feedback balances positive trends with some areas for improvement.
- 3.18 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, and the council is responding to complaints more quickly than ever before.
- 3.19 Below the high level trends of a reduction in complaints, the council needs to ensure that it welcomes and responds to feedback, comments and complaints. Given that the increases in complaints last year were about adult social care and children's services, a key area identified 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 with the twelve teams which administer complaints across the council, and particularly with the two customer relations teams in Adults and Childrens Services directorates. Around one third (ten of the 35) equalities related complaints last year were upheld, and a further eight partially upheld, many about issues of access, and there are opportunities for customer relations teams and complaints investigators across the council to learn from these cases.
- 3.20 A further area for development is to make sure that the council remains as customer focused as possible, and is not confused or distracted by internal processes. The council is looking at ways to make sure that customer experiences are positive, and part of this work has included a senior manager masterclass on customer experiences, and refresh of customer services training courses. Also planned future work includes engaging with members to provide a robust framework for ensuring parity with the corporate process for responding to customer feedback. This will include the provision of training based on the LGO/LGA guidance for local

Councillors and work to streamline the link between the corporate compliments and complaints process and the Member's correspondence process.

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/HOS cases, no specific consultation or engagement has been sought. However as set out in para. 3.19 work is planned to engage fully with Members in the year ahead.

4.1.2 The LGO, Healthwatch and Parliamentary and Health Ombudsman November 2014 report 'My expectations for raising complaints and concerns' was a response to concerns about NHS and social care scandals. It proposes a user-led approach based on engagement. This approach might be most easily applicable to adult and children's social care, but may also be relevant to other areas of the council who have customers who are perceived as vulnerable and unlikely to complain. A link to the report is provided in section 7 below.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Sections 3.6, 3.18 and 4.1.2 highlighted the risk that the council may be under-reporting and potentially not paying appropriate attention to complaints where there are equalities or alleged discrimination aspects, or where vulnerable people do not complain. The next cross-council customer relations meeting in September 2015 will discuss ways to make sure that we are learning from the very best practice.

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 relatively free feedback from our customers on what has gone wrong for them, and what we could or should have done differently or better. 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 cost of financial settlement and compensation is significantly outweighed by the amount of staff time spent administering and investigating complaints. 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 financial 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 deal with complaints better in areas showing an increase in complaints, and to make sure that the council is working harder to make sure it is not overlooking complaints with an alleged equality or discrimination aspect.

5.3 The report has drawn on the overview of 2014-15 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

Appendices:

Appendix 1: LGO Annual Review Letter to Leeds City Council, 18 June 2015

Appendix 2: Year end Customer Relations report to Customer Strategy Board, 26 June 2015

Links:

LGO and LGA Councillor workbook for complaint handling: http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10180/7159167/PUBLICATION

LGO, Healthwatch and Parliamentary and Health Ombudsman report: http://www.ombudsman.org.uk/_data/assets/pdf_file/0010/28774/Vision_report.pdf

Cabinet Office consultation on proposals for a single public service ombudsman: <https://www.gov.uk/government/consultations/public-service-ombudsman>