

## **Summary Sheet**

Overview and Scrutiny Management Board - 23.10.15

### **Title**

Annual Complaint Report 2014-15

### **Is this a Key Decision and has it been included on the Forward Plan?**

No

### **Strategic Director Approving Submission of the Report**

Stuart Booth, Resources and Transformation

### **Report Author(s)**

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### **Ward(s) Affected**

All

### **Executive Summary**

This report – at Appendix 1 - presents an assessment of the complaints made by members of the public to the Council between 1 April 2014 and 31 March 2015 under the Corporate Complaint's Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.

In addition to formal complaints, the report also provides information on compliments received, Councillor Surgery enquiries and MP correspondence received by the Council which are managed by the Complaints Team. This also includes a summary and a detailed breakdown of enquiries received for each Directorate area.

It also summarises some of the actions being taken during 2015/16 in response to the 2014/15 Annual Report findings in order to drive further service improvement through learning from complaints and ensuring management action is taken to

resolve them. An interim update on the latest position with regard to complaints received and managed during the current year so far is also provided.

## **Recommendations**

That the Board:

- a. Notes the content and key messages of the enclosed draft annual report for 2014/15
- b. Notes the 2015-16 service and performance improvement actions and provide any further comments on areas for further and continuous improvement, in
- c. partnership with service teams, moving forward.

## **List of Appendices Included**

Appendix 1 – RMBC Annual Complaint Report 2014-15

Appendix 2 – Copies of RMBC Procedures for Corporate, Housing, Children's Services and Adult Services complaints

## **Background Papers**

None

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Standards Committee – due for discussion on 10<sup>th</sup> December 2015

## **Council Approval Required**

No

## **Exempt from the Press and Public**

Yes – Appendix 1 contains information relating to individuals that could lead to their identities being revealed.

## **RMBC Annual Complaint report 2014-15**

### **1. Recommendations**

#### 1.1 That the Committee:

- 1.1.1 Notes the content and key messages of the enclosed draft annual complaints report for 2014/15.
- 1.1.2 Notes the 2015-16 service and performance improvement actions and steps being taken to improve learning from complaints; and provide any further comments on areas for further and continuous improvement, in partnership with service teams, moving forward.

### **2. Background**

#### *Complaint procedures and customer care standards*

- 2.1 The enclosed 2014/15 Annual Report (Appendix 1) details how the Council has responded to complaints and customer feedback during 2014/15, in line with the established complaint procedures and customer care standards that have been set out.
- 2.2 Complaints are treated as excellent customer insight into the quality of services and all complaints are used to learn from customers' experiences and improve service delivery and/or inform policy or operational changes. The management of complaints and the quality assurance processes in place aim to ensure that the Council can swiftly put things right when things go wrong and work with the customer to resolve dissatisfaction.
- 2.3 All Councils will provide complaint procedures to respond to customers' concerns in an open and transparent way and within defined timescales. These procedures are informed by the relevant local government legislation and differ depending on the service area in question.
- 2.3 Rotherham Council's standards and procedures are made available to the public on the website – see [www.rotherham.gov.uk/info/200025/complaints](http://www.rotherham.gov.uk/info/200025/complaints) - and allow the Council to monitor performance and provide customers clear expectations regarding how their complaint will be handled.
- 2.4 The Council has four established procedures, namely for Corporate Complaints, Housing Complaints, Adult Services and Children's Services. Copies are enclosed for the Board's information at Appendix 2. These set out what customers should expect in terms of when their issues will be acknowledged, how they will be contacted to get all relevant information, when they should expect a response, and what they can do if they remain dissatisfied.
- 2.5 The table below provides a simplified overview of the four procedures:

<b>Service Area</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
Children's Services	Line/Service Manager response – within 10 working days where possible (or within 20 days for most complex cases)	Investigation by person independent of the Council - with response issued within 25 working days (or, for most complex cases, within 65 working days)	Independent Complaints Review Panel –may take up to 50 working days to reach a conclusion
Adult Social Care	Agree with complainant who should investigate the issue – with a response provided within 10 working days (or no later than 20 days for most complex cases)	A more senior officer investigation (or an external consultant if required) – with a response issued within 45 working days	A further, more senior (usually Director) level investigation - with a response issued within 20 days
Housing	Line/Service Manager response - within 10 working days (where this is not possible, complainant is written to with full details for delay and a revised date)	Independent Council officer investigation – with response issued within 25 working days of receipt.	No third stage for Housing complaints
Corporate Complaints	Line/Service Manager response - within 10 working days of receipt	Investigation by senior independent officer (Complaints Team) – full written response within 25 days of receipt	Elected member complaints review panel – date set within 20 days of receipt and report provided within 5 days of panel hearing

2.6 Complaints pass through the stages set out above as required in order, depending on whether the complainant feels that they have received a satisfactory conclusion. Where a complainant remains dissatisfied with the outcome after the final stage of the procedure, they may refer the matter to the relevant Ombudsman. Full details of how to progress matters to the Ombudsman are provided to the complainant.

*RMBC corporate Improvement Plan – effective management of complaints as part of robust governance, decision-making and performance management*

2.7 The Council's corporate "Fresh Start" Improvement Plan recognises as one of its four headline themes the need for robust governance and performance

management in ensuring continuous improvement. Dealing effectively and efficiently with complaints is a key element of this.

- 2.8 When responding to customer complaints the Council is provided with the opportunity to review its compliance to current policies, procedures and legislation and it can either confirm this compliance or highlight the need for improvement and change in how services respond to the needs of the public.
- 2.9 As a new corporate performance framework is established for the Council in the coming weeks, in line with the “Fresh Start” Plan, close attention will be given to ensuring that performance in both the management of complaints and responding to their opportunities for learning and service improvement can be appropriately measured and reported.

### **3. 2014/15 Annual Complaint Report: Headline messages and trends**

- 3.1 The enclosed Annual Report - Appendix 1 - details how the Council has responded to complaints and customer feedback during 2014/15, in line with the established complaint procedures and customer care standards summarised in section 2 above. It explains how the Council has performed against these standards as well as how associated learning has been taken forward within services in response to the issues raised.
- 3.2 In addition to complaints, the Annual Report also includes an analysis of the number of compliments, Councillor Surgery enquiries and MP enquiries received by the Council, all of which are also managed through the corporate Complaints team.
- 3.3 Data is broken down to provide assessments at the Directorate level – with all Directorates now receiving their own regular monitoring information throughout the year to assess performance service and team level on an ongoing basis.
- 3.4 In total, over the 12 months from 1 April 2014, the number of complaints received by the Council was **693** which represents a small (3%) increase on the **672** received in 2013-14.
- 3.5 Overall **82%** of all complaints were responded to within the timescales promised, compared to **98%** in 2013-14 and **98%** in 2012-13. Some of the reasons for this are explored later in this report.
- 3.6 Further headlines statistics to note from the 2014/15 report are as follows:
  - i. A substantial increase in the number of complaints received for Children and Young People’s Services – **159** compared to the **73** received in 2013-14, a 118% increase of 86 more cases
  - ii. More Councillor Surgery cases were received – **859** compared to **714** received in 2013-14, indicating an increasing level of use of the members e-casework system
  - iii. Significantly more MP enquiries were received – **485** compared to **269** in 2013-14, an 80% increase of 216 enquiries

- iv. Fewer complaints were responded to within timescales - **82%** compared to **98%** in 2013-14
- v. A slightly higher percentage of complaints (at all stages) were upheld – **220** (31%) compared to **193**, (28%) in 2013-14
- vi. The same proportion of Stage 1 complaints were escalated to Stage 2 - **7%** in both years
- vii. The Ombudsman investigated fewer complaints, at **33**, but upheld proportionately slightly more, at **5** or 15% (**38** were investigated and **5** upheld, or 13%, in 2013-14)

#### **4. Summary analysis of the factors behind the trends**

- 4.1 The starkest trend in the numbers of complaints received in 2014-15 was those received in Children and Young People's Services. The 118% increase can be assumed to arise from the changes affecting the services following publication of the Jay report in August 2014 and subsequent Ofsted/ Government inspections.
- 4.2 The services have had a greater public profile, being subject to an increased level of media and public scrutiny, however, a key factor in the numbers of complaints generated has been the associated restructure of the service and resulting staff turnover, combined with an increase in the overall number of complaints the teams have been dealing with.
- 4.3 Other Council Directorates received complaints in broadly similar areas to previous years, with most complaints received in those service areas that deal with the largest number of customers or are responsible for assessments / inspections that are likely to conflict with the expectations of customers (for example housing management and repairs services).
- 4.4 In Economic Development Services (EDS) the largest number of complaints was received by Network Management; and in Housing & Neighbourhood Services (HNS) this was the Contract and Service Development Team which deals with responsive housing repairs.
- 4.5 In Adult Services this was Assessment and Care Management; and in Resources and Transformation it was the Revenues and Benefits Service. Appendices 1 to 5 of the Annual Report set this out in some further detail.
- 4.6 The significant 80% increase in the number of MP enquiries received can at least in part be expected to be a result of increased levels of contact with constituents in a General Election year, as well as the issues arising from the Jay and Casey reports.

#### **5. Improvement priorities and actions arising from the Annual Report and emerging trends in 2015/16**

- 5.1 The Annual Report sets out a number of Improvement Actions in 2015-16 both for the complaints team itself that manages and investigates the issues raised by customers, as well as for service teams who are responsible for their own continuous learning and improvement. These actions include:
- i. A continued commitment to improve learning and service improvement from customer feedback.
  - ii. All customer responses (from all Directorates) to continue to be quality assured, with an enhanced focus on enforcing high quality standards (including simple language) to reduce the number of complaints escalating through the complaint procedures.
  - iii. Specific training and feedback to be provided to staff to further improve the quality of investigations and responses.
  - iv. Publishing performance information with regard to complaints, including learning and improved outcomes.
  - v. Putting in place a consistent training programme for all investigating officers and Elected Members.
  - vi. Developing an online mandatory complaints handling training package for all staff and managers.
  - vii. The Complaints Team will further review how it performance manages the e-casework system for Elected Member surgery matters, to allow for a further anticipated increase in usage of the system and ensure enquiries are dealt with in the most effective and efficient manner.
  - viii. Work to improve the experience of customers raising complaints with private or external providers and contractors, reflecting an increased focus on commissioned services.
  - ix. The Complaints Team will work closely the council ICT team to take forward the opportunities offered by the implementation of a more efficient, automated system for managing the complaints process.
  - x. Managing the increase in the number of Councillor and MP enquires and the new enquiry type of Commissioner Enquiries. The Complaints Team will work with Directorates to ensure best possible response within agreed timescales wherever possible.
  - xi. A new performance management process in CYPS, to address issues of poor performance in 2014/15.
  - xii. A review of how easy it is for customers to make a complaint, with focus on key service areas in CYPS.
  - xiii. Development of protocols to ensure improved handling and responses to enquiries made via Commissioners' office.
- 5.2 Performance and progress against these improvement actions will be included in the 2015/16 Annual Report. However, the Board will wish to note that new arrangements are already in place with all Directorate Management Teams to provide regular reporting on complaint performance and learning in order to promote improvement and more effective management action to avoid or address any potential delays in meeting the council's procedures and customer service standards. Indeed, in the case of CYPS weekly reporting is being provided in addition to formal monthly reporting to the Strategic Director's senior management team.

5.3 The following, interim statistics for the first 6 months of 2015/16 are also worth noting:

- i. Proportionately fewer formal complaints (at all levels) have been received to date – **361** compared to **387** in the first 6 months of 2014-15.
- ii. However, more complaints continue to be received with regard to Children and Young People’s Services – **117** compared to **105** in the first 6 months of 2014-15. The ongoing changes affecting the Service and its officer structure is an inevitable contributing factor, however, there is concerted effort taking place by both the Service and the Complaints Team to improve performance and support investigating managers to complete responses within time. This is supported by a new reporting framework that has a clear focus on dealing with complaints, as well as the weekly performance reporting to Team Managers/Directorate Management Team and monthly reporting to Directorate Management Team noted at 5.2 above.
- iii. Very slightly fewer complaints for Adult Social Services have been received – **36** compared to 37 in the first 6 months of 2014-15
- iv. Fewer complaints for Housing Neighbourhood Services received – **130** compared to **161**
- v. Fewer complaints for Economic Development Services – **55** compared to **62**
- vi. Very slightly more complaints received for Resources and Corporate Services – **23** compared to **22**
- vii. A further increase in Councillor Surgery cases have been received – **506** compared to **471** – which is a reflection of the steady, ongoing increase in the use of the e-casework system, particular by newly elected councillors
- viii. Fewer MP enquiries received - **201** compared to **228**
- ix. A new enquiry type in the form of Commissioner enquiries now exist, with **102** received so far which reflect a mix of new, old and recurrent issues being raised by members of the public
- x. More complaints are being responded to within timescales - **82%** compared to **78%** at this stage in 2014-15, though (as noted above) further action is still required to return this performance to the very high levels in previous years.
- xi. Fewer complaints (at all stages) have been upheld – **88** (27%), compared to **128** (34%) in the first 6 months of 2014-15
- xii. Fewer Stage 1 complaints have escalated to Stage 2 - 6% (**23**) compared to 7% (**27**) in first 6 months of 2014-15
- xiii. With regard to Ombudsman cases, given the protracted nature of these investigations as well as the fact that some referrals may not be accepted by the Ombudsman as with their jurisdiction, it is not possible to take an accurate view at this stage on comparable performance. This will, however, become clear as we approach the end of 2015/16.

- 5.4 The above shows something of a mixed picture, after a very challenging year in 2014/15, particularly in the case of CYPS. Nevertheless, the management and performance arrangements now being put in place are expected to continue a more positive trend over the next six months, prior to end of year reporting.
- 5.5 However, it should be noted in this regard that the impacts of any changes to services and customer expectations as a result of current and future budget planning decisions have not yet had an impact on complaints in this period. It is expected that these will begin to impact over the next 6 months as decisions are taken forward and these will clearly need to be factored in as required in the 2015/16 Annual Report.

## **6. Consultation**

- 6.1 The Directorate sections of the annual report have been reported to each Directorate Management Team. The whole report has also been reported to Council's Strategic Leadership Team.
- 6.2 As noted above, in addition, complaint information is now reported to Directorate Management Teams on a regular basis; and in CYPS complaints performance is being reported weekly as part of the Directorate performance management reporting framework.

## **7. Timetable and Accountability for Implementing this Decision**

- 7.1 Corporate Complaint handling improvement actions are to be implemented within 2015-16 and reported on in the next Annual Report, due by summer 2016.

## **8. Financial and Procurement Implications**

- 8.1 The enclosed Annual Report details a number of financial compensation awards, with a greater amount awarded overall in 2014-15, **£2,454** compared to 2013-15 (£1,037).
- 8.2 A slight increase in external complaint investigation costs in Children & Young People's Services (CYPS) is also noted – i.e. **£20,956** (£19,494 in 2013-14).

## **9. Legal Implications**

- 9.1 The Council's approach to handling complaints is informed by the following key pieces of legislation:
- i. Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (Making Experiences Count).
  - ii. The Children Act 1989 Representations Procedure (England) Regulations 2006.
  - iii. Localism Act 2011.

## **10. Human Resources Implications**

10.1 Not Applicable.

## **11. Implications for Children and Young People and Vulnerable Adults**

11.1 The statutory complaints procedure for Children's and Adult Social Care provides an opportunity for children and young people and vulnerable adults to have their voices heard and to improve service delivery. Any complaints received directly from a child would involve appropriate contact with that child to fully understand the issue and include the offer of an advocate.

11.2 The Children and Young People's Services Improvement Action Plan includes specific measures to ensure that the voices and experiences of the most vulnerable children are routinely heard at all levels with the local authority and that they inform strategic planning and commissioning. An action point moving forward within CYPS is therefore to improve the children and young people's access to the complaints procedures, including exploring different, more effective ways to communicate complaints to the council.

## **12 Equalities and Human Rights Implications**

12.1 Investigations through the complaint procedure will consider all relevant policy and legislation, including those relating to equalities and human rights.

## **13. Implications for Partners and Other Directorates**

13.1 Applicable to all Directorates. The report has been considered by all Directorate Management Teams and the Strategic Leadership Team.

## **14. Risks and Mitigation**

14.1 The improved management of complaints continues to be a key focus through new performance frameworks and management reporting. However, the numbers and types of complaints received by the council can often be determined by circumstances beyond the control of the services concerned. Regardless of these external factors, the service is required to maintain a high level of performance and excellent customer care in line with the procedures and standards that the Council has set out to members of the public.

14.2 In addition, as the Council continues to deal with significant funding reductions and the impacts this may have on service provision going forward, there is a risk of an increased level of complaints from clients and customers, which the Complaints Team and Service leads will need to manage, to ensure both an ongoing good level of response to the public and complaints continuing to be handled with appropriate levels of care and consideration, in line with required timescales and legal requirements. The improvement measures noted above in this report (section 5) aim to help manage and mitigate these risks.

## **15. Accountable Officer**

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