

## Summary Sheet

### Standards & Ethics Committee – 29 September 2016

#### Title

Rotherham MBC Annual Complaint Report 2015-16

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

Not a key decision, included on the Forward Plan for consideration by Standards and Ethics Committee

#### Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

#### Report Author(s)

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#### Ward(s) Affected

All

#### Executive Summary

This report encloses a copy of the Council's Annual Complaints Report for 2015/16, which sets out information about complaints made to the Council between 1 April 2015 and 31 March 2016 under the Corporate Complaint's Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.

It provides analysis on the particular trends in the complaints received, by service area, and in terms of the timescales in which responses were provided; as well as about the escalation of complaints.

It also highlights examples of key learning points from the complaints received, which have been used over the last year in regular reports to senior managers to address or correct any mistakes and improve services or procedures as a result.

## **Recommendations**

That Members:

- a. note the content and key messages of the enclosed Annual Complaints Report for 2015/16, including in particular the service and performance improvement actions set out within it for 2016/17; and provide any further comments on areas for further and continuous improvement which can be delivered in partnership with service teams and members moving forward.

## **List of Appendices Included**

Appendix – RMBC Annual Complaint Report 2015-16

## **Background Papers**

NA

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

Overview & Scrutiny Management Board (OSMB) considered the Annual Report at its meeting on 16<sup>th</sup> September 2016

## **Council Approval Required**

No

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

No

## **Rotherham MBC Annual Complaint report 2015-16**

### **1. Recommendations**

#### 1.1 That Members:

- Note the content and key messages of the enclosed Annual Complaints Report for 2015/16 (see Appendix), including in particular the service and performance improvement actions set out within it for 2016/17; and provide any further comments on areas for further and continuous improvement which can be delivered in partnership with service teams and members moving forward.

### **2. Background**

- 2.1 All Councils need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales.
- 2.2 The enclosed annual report – see Appendix - details how the Council has responded to complaints and customer feedback in line with the Rotherham MBC complaint procedures and customer care standards during 2015/16. These complaints and associated processes for managing them allow the Council to monitor performance and provide customers clear expectations with regard to how their complaint will be responded to.
- 2.3 The annual report explains how the Council has performed against these standards and how it has learnt and improved the services it provides.
- 2.4 The Council's corporate Improvement Plan recognises the specific need for robust governance and performance management, and dealing with complaints effectively and efficiently is a key element of this. When responding to customer complaints the Council is provided with the opportunity to review its compliance to policy, procedure and legislation; and it can either confirm compliance or highlight the need for improvement and change.

### **3. Key Issues**

- 3.1 The enclosed report – see Appendix - presents information about complaints made to the council between 1 April 2015 and 31 March 2016 under the Corporate Complaint's Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.
- 3.2 The figures in the report include details of the number of complaints received, numbers of compliments received, and information on those complaints that have escalated to be considered by the relevant Ombudsman. It also sets out details of the numbers of Councillor ward surgery enquiries received via the Council's e-casework system, which were administered by the Corporate Complaints Team over the last 12 months. The information includes detailed breakdowns of complaints and enquiries received for each Council Directorate.

3.3 The key headlines of the report can be summarised as follows:

- i. Overall, the **numbers of complaints received by all services remained fairly static, at 695** (692 last year). However, within this there was another significant **increase in Children and Young People's Service (CYPS)** complaints (45 more, up to 204), and a **reduction in Housing complaints** (of 60, down to 268) - Housing Services, traditionally, having always comprised around half of all complaints received.
- ii. Overall, **80% of complaints were responded to within the required timescales** – this is slightly poorer performance than the 82% last year. A key reason for this is that the **response rate in CYPS over the whole year dropped to 50%** (from 55% last year). Performance **excluding CYPS for the year was 92%** in-time; however, the report also notes that a **new performance framework** for CYPS complaints developed during the last year saw this **performance increase to 90% in-time for the last quarter** of 2015/16 (a trend which has continued into the current year).
- iii. In terms of other positive trends, **fewer complaints overall were upheld** (152, or 21% compared to 220 or 31% the previous year) and **fewer were escalated** to further stages (6%, or **45** compared to 7%, 47 escalated in 2014-15) indicating that more complainants were satisfied with initial responses. Slightly **fewer numbers of complaints were referred to the Ombudsman** (30, compared to 33 in 2014/15); and external **complaint investigation costs** (in CYPS) were also reduced (from £21,000 to £12,300), reflecting fewer escalated cases.
- iv. Nevertheless, in terms of the specific Ombudsman cases, **while fewer were considered, more of these were upheld** than the previous year (8 of 30, compared to 5 in 2014/15); and there was an increase **in the amount of financial remediation** awards, up to £12,000 from £2,400, most of which related to reimbursed overpayments or incorrect fees/charges (which have been monitored more closely for this report than in previous years and includes awards requested by the Ombudsman).

3.4 Further performance results, from April 2014 to March 2015, can be summarised as follows:

- i. Slightly more complaints for Adult Services were received, at **76** (73 received in 2014-15)
- ii. There were fewer complaints for "Resources and Corporate" services (i.e. those covered by the previous "Resources & Transformation" Directorate, which now broadly form the Finance & Customer Services and Assistant Chief Executive Directorates), at **39** (43 in 2014-15)

- iii. Slightly more complaints were received for Regeneration and Environment Services (previously known as “Environment and Development Services”) at **108** (103 in 2014-15)
- iv. More “Councillor Surgery” cases were processed by the e-casework system, administered by the Complaints Team during 2015/16, at **942** (859 were received in 2014-15; and 714 received in 2014-15)
- v. Very slightly more compliments recorded by the Complaints Team, at **604** (603 recorded in 2014-15)
- vi. Fewer “informal” complaints<sup>1</sup> received, at **594** (732 received 2014-15 and 811 received 2013-14)

#### **4. Options considered and recommended proposals**

- 4.1 The format of the Annual Report broadly follows those published in previous years. It provides an overall summary of performance across the entire Council, followed by themed summaries of performance by Directorate, including more detailed Annexes for each Directorate.
- 4.2 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.
- 4.3 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.
- 4.4 The Council has four established procedures, namely for Corporate Complaints, Housing Complaints, Adult Services and Children’s Services. 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. A summary of these procedures are in Table 1 below.

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<sup>1</sup> Please note, “informal” complaints are defined as contacts by customers who are expressing dissatisfaction but the Council has been previously unaware of the concern and has not had an opportunity to put things right. These complaints have been dealt with and resolved to the customer’s satisfaction at their “first point of contact” and as a result the customer has not wanted to enter formal complaint proceedings. This is done with the agreement of the customer and it means that a number of enquiries are dealt with much quicker and at less cost to the Council (an example would be a report of an outstanding repair to a Council property).

**Table1: Overview of the four complaints procedures adopted by the Council<sup>2</sup>:**

<b>Service Area / Procedure</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
Children and young People's Services (statutory process)	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 (statutory process)	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 (statutory process)	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 (usually Complaints Team) – with response issued within 25 working days of receipt.	No third stage for Housing complaints
Corporate Complaints (discretionary process)	Line/Service Manager response - within 10 working days of receipt	Investigation by senior independent officer (usually 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

4.5 Please note that the Directorate break-downs within parts of the report reflect those that existed for the majority of 2015/16 (e.g. “Resources and Transformation” and “Environment and Development Services”) rather than current Directorate configurations, as this was how performance was tracked and monitored over the last year. New systems for 2016/17 are now in place to reflect the new Council structures.

4.6 The Council is able to compare, in general terms, its performance nationally by considering the Local Government Ombudsman’s Annual Review Letter and Report. This demonstrates that, based on a national average, the Council is performing well, with the Ombudsman receiving more complaints in the last year and also upholding more, at 51%, of those investigated. The Council received fewer Ombudsman enquiries and 27% of those investigated were upheld (8 out of 30).

4.7 The 2016/17 Corporate Plan sets a new target to achieve 85% performance for in-time responses in the current year, moving from the 80% overall achieved last year, back towards historic higher performance rates. However, it should

<sup>2</sup> Full details of all four procedures are set out on the Council’s website at [www.rotherham.gov.uk/downloads/download/119/complaints\\_procedures](http://www.rotherham.gov.uk/downloads/download/119/complaints_procedures)

also be noted that previous, lower numbers of CYPS complaints may be a result of under-recording, with increasing steps taken over the last two years to make complaint reporting easier (including for young people themselves).

- 4.8 There has also been an increasing emphasis over the last year on learning from complaints, and the re-instatement of management reporting (to Directorate and Service Management Teams) which have aimed to improve levels of management oversight and information.
- 4.9 The Corporate Complaints Team working with services and Elected Members will ensure a constant focus on improving the way that the Council manages complaints and learns from them in 2016-17. Some example outline improvement actions are noted as follows (and covered in more detail within the Annual Report):
- i. Continuing to improve learning and service improvement opportunities from customer feedback, reviewing current Directorate and management team reporting in the light of new management appointments and the wider feedback received.
  - ii. New, regular monitoring of headline complaints performance for the Council as a whole through the new 2016/17 Corporate Plan reporting arrangements, and supporting Strategic Leadership Team focus on reviewing organisational performance data on a more robust and regular basis.
  - iii. Ensuring that all customer responses (from all Directorates) continue to be quality assured, with an enhanced focus on enforcing high quality standards in line with senior management, member and Commissioner expectations; to ideally further reduce the number of complaints escalating through the complaint procedure.

## **5. Consultation**

- 5.1 The Directorate sections in the annexes of the Annual Report have been reported to each Directorate Management Team across the Council, building on the complaint monitoring information which is now reported regularly to these senior managers, to track progress and emphasise key learning points. In CYPS complaints are also reported to the Directorate Management Team on a weekly basis.
- 5.2 The 2015/16 Annual Report has also been considered previously at a meeting of Overview & Scrutiny Management Board (OSMB) on 16<sup>th</sup> September 2016.

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

- 6.1 Improvements to the way the Council manages complaints and learns from them, as set out in the report, will be implemented within year 2016-17 for the next Annual Report in the summer of 2017.

## **7. Financial and Procurement Implications**

- 7.1 Following more detailed monitoring in 2015/16, the enclosed Annual Report details financial remuneration payments made as a result of complaint

investigations, with a greater amount noted as awarded overall in 2015-16 (£12,376.85, compared to £2,454 in 2014-15). The majority of this - £9,076.85 - was a result of refunds of charges and fees; with £3,300 awarded in *ex-gratia* payments for distress and/or inconvenience caused.

- 7.2 A decrease in external complaint investigation costs in Children & Young People's Services (CYPS) is also noted – i.e. £12,350 (£20,956 in 2014-15).

## **8. Legal Implications**

- 8.1 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 (for Housing Services complaints)

## **9. Human Resources Implications**

- 9.1 There are no direct Human Resources implications arising from this report.

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

- 10.1 The statutory complaints procedures for Children's and Adult Social Care provide an opportunity for children and young people and vulnerable adults to have their voices heard and to improve service delivery.

- 10.2 In Children's and Young Peoples Services a new performance management regime has been introduced by the Complaints Team working with the Directorate Leadership Team. The new performance management process includes a weekly complaints report to the Directorate Leadership Team highlighting outstanding enquiries which require a response; issuing of weekly reminders for all enquiries; and a process of acting swiftly to resolve those complaints which are at risk of not being responded to within statutory requirements.

- 10.3 The Corporate Complaints Team has also been working with the Young Inspectors programme in Children's and Young Peoples Services to improve its approach. Following a mystery shopping exercise carried out by the Young Inspectors the information on the Council website has been amended to make it more accessible to young people (for example, by revising the content and wording of the existing information and including specific information aimed at young people in care). The Council has also revised the contact details on the Council website and a young persons' complaint leaflet to highlight and promote the various methods which young people can use to contact the complaints team, including a dedicated text message number.

## **11 Equalities and Human Rights Implications**



11.1 Investigations through the complaint procedure will consider all relevant policy and legislation, including those relating to equalities and human rights. All complaints are investigated with due consideration to the Council's policies and legislation.

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

12.1 The enclosed report is applicable to all Directorates and the information contained within it – specifically the relevant Directorate Annexes - have been considered by all Directorate Management Teams and Service Management Teams where appropriate.

## **13. Risks and Mitigation**

13.1 Although positive management of complaints has been achieved, the number and type of complaints received is sometimes determined by circumstances beyond the control of the services and Corporate Complaints Team. Regardless of any external factors the services are required to maintain a high level of performance and excellent customer care.

13.2 In addition, as the Council continues to deal with significant funding reductions and the impacts this may have on service provision and transformation going forward, there is a risk of an increased level of complaints from clients and customers, which the corporate Complaints Team and service leads will need to manage. It will be important to ensure an ongoing good level of service to the public that ensures complaints can continue to be handled with appropriate levels of care and consideration, in line with required timescales and legal requirements.

## **14. Accountable Officer**

14.1 Shokat Lal, Assistant Chief Executive

Approvals Obtained from:

For the Director of Finance and Corporate Services: Stuart Booth, Assistant Director, Financial Services

Director of Legal Services: Dermot Pearson, Assistant Director, Legal Services

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