

A Review of Hillingdon's Corporate Complaints Procedure

COMPLAINT

NO
 YES



Members of the Committee

Richard Lewis (Chairman)
Richard Mills (Vice-Chairman)
Wayne Bridges
Tony Burles
Nick Denys
Narinder Garg
Raymond Graham
Carol Melvin
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CHAIRMAN'S FOREWORD

How complaints and service issues are handled is of paramount importance to the Executive and Corporate Management Team of Hillingdon Council.

The Corporate Services and Partnerships Policy Overview Committee wanted to see whether complaints were handled effectively, correctly and speedily.

Trying to run a Council can only be done with policy decisions being made by the Executive and implemented by Officers. The Committee decided that complaints should be divided in to three main areas, namely (i) complaints about policy (ii) minor and (iii) major service issues.

In some cases, minor service issues can be speedily addressed and the Committee felt that these did not have to go through a complex complaint procedure but merely needed to be resolved as quickly as possible.

We investigated whether the current three stage complaints process was working efficiently as well as whether Officers had:-

- Sufficient delegated powers to resolve a minor service issue swiftly
- Were able to determine at the earliest stage whether a complaint had merit or not.
- Whether it was a complaint against a policy.

We also wanted to see whether Officers were handling complaints well and resolving service issues and thereby preventing the escalation of a minor complaint, into a major issue.

We took evidence from officers who handled complaints and from a Local Government Ombudsman Investigator.

We were impressed by the current arrangements, as well as, the care and dedication of Officers in handling issues with kindness and compassion.

The report contains six primary recommendations (see Page 5) which we hope Cabinet will accept in their entirety.

In closing I would like to thank all the Officers, the Local Government Ombudsman Investigator who were involved in this review, as well as the Members of the Committee.

A handwritten signature in blue ink, appearing to read 'R. Lewis', with a horizontal line underneath the name.

Councillor Richard Lewis
Chairman of the Corporate Services & Partnerships Policy Overview Committee

RECOMMENDATIONS

That Cabinet welcomes the Committee's findings from their review of the Council's Corporate Complaints Procedure and agree the following recommendations from the Committee:

- 1. Notes the positive way in which complaints are handled by the Council and that officers are actively encouraged to prevent complaints from escalating by resolving service issues to prevent complaints and where complaints do arise, resolving these at the earliest opportunity.**
- 2. That to ensure consistency, minor service requests across all service areas should not be logged as complaints where the issue is simply corrected within 24 hours.**
- 3. Notes that officers will continue to target specific service areas to reduce complaints in order to put the Council's residents first.**
- 4. That the current arrangements for a three-stage complaints procedure continue, with additional discretion to be applied by officers to expedite complaints through stages 2 and / or stage 3 of the procedure in particular where the complaint is against Council policy and therefore the outcome of the complaint investigation will be unchanged.**
- 5. That to implement the above recommendations, an updated three-stage Corporate Complaints Procedure be presented to Cabinet in the Autumn 2015 for consideration and subject to the approval of the Leader of the Council, take account of the suggested changes set out in the Committee's review report to streamline the three stage process.**
- 6. Looking ahead, that Cabinet notes that from the evidence the Committee received during the review some local authorities are operating a two stage complaint procedure with success; and that a future report is presented in 2016/17 to both the Cabinet and the Committee on the operation and effectiveness of the Corporate Complaints Procedure, to ensure arrangements for preventing and resolving complaints continue to put the Council's residents first.**

Background to the Review

The aim of the Committee's review was to examine the effectiveness of the Council's current three stage Complaints Procedure and to assess if any improvements and enhancements were required to improve this important aspect of customer service to the Borough's residents. The priority for the review was to look at finding a procedure which could produce a faster resolution to complaints for residents.

Dealing with complaints is a key part of effective customer service delivery. This Council aims to make it as easy as possible for people to provide feedback and the Council aim to resolve all complaints at the earliest opportunity. This Council's complaints procedure is, therefore, designed to ensure that complaints are dealt with openly, flexibly and in a timely way.

What the Council has now

The Committee was informed that there were four complaints procedures which operated within this Council.

- Complaints made by children or on their behalf were governed by the Children Act 1989, Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No. 1738).
- Adults' services complaints were managed in line with the 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009'.
- All complaints received by the Council regarding its public health functions were handled in accordance with The NHS Bodies and Local Authorities (Partnership Arrangement Care Trusts, Public Health and Local Healthwatch) Regulations 2012.
- All other complaints were dealt with under the **Corporate Complaints Procedure**.

The first three complaint procedures were set by statute and the Council was required to follow legislation with little scope for doing otherwise.

The Corporate Complaints procedure which was the subject of the review was different because it was agreed locally. It covered the following Council service areas:- Housing, Housing Benefit, Council Tax, Education Services, Resident Services (Planning, Environment, Anti social behaviour, etc), Administration and Finance.

Three Stage Complaints Procedure

Before a complaint was registered as a Stage 1 Complaint, the complainant's initial contact with the Council would involve an informal stage where officers tried to resolve enquiries and concerns as quickly as possible by discussing the problem and attempting to solve the complaint before it progressed through the corporate complaints system.

The three stages of the complaints procedure were as follows:-

Stage 1 – Response from the Head of Service or Deputy Director

Officers acknowledged Stage 1 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 10 working days.

Stage 2 – Response from the relevant Director

If a complainant was dissatisfied with the response given at Stage 1, he/she could ask for their complaint to be reviewed at Stage 2 stating the reason for their dissatisfaction with the response.

Officers acknowledged Stage 2 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 10 working days.

Stage 3 – response from the Chief Executive of the Council

If a complainant was dissatisfied with the response, he/she could ask for their complaint to be reviewed at Stage 3 by the Chief Executive. The complainant had to state the reason why they were dissatisfied with the response given at Stage 2.

The Chief Executive acknowledged Stage 3 complaints within 3 working days of receipt of the complaint and the deadline was for complainants to receive a full response within 15 working days.

Evidence Gathering

The Committee undertook a series of witness sessions which involved receiving evidence from the following witnesses:-

- Dan Kennedy - Head of Business Performance, Policy & Standards (Education, Housing & Public Health) (Residents Services) at the London Borough of Hillingdon
- Ian Anderson - Complaints and Service Improvement Manager (Residents Services) at the London Borough of Hillingdon
- Nigel Dicker - Deputy Director - Public Safety & Environment - (Residents Services) at the London Borough of Hillingdon
- Michelle Gleeson - Customer Liaison Manager (Residents Services) at the London Borough of Hillingdon
- Richard Shaw - Investigator for Local Government Ombudsman Office (LGO)

At the end of the review the Head of Head of Business Performance, Policy & Standards reported the Committee's initial findings to the Council's Corporate Management Team to obtain the professional and strategic view on the options available for the Council.

Overview

A summary of the evidence

Throughout the review, the Committee was provided with details of the number of complaints received across all the service areas of the Council, together with statistics comparing different years.

To assess the picture of complaints within the Council, the Committee was provided with statistics for complaints through all the stages for 2012/13 and 2013/14. (Appendix A)

The Committee found that there was strong evidence that officers are resolving complaints at the earliest stage possible when a matter is raised by a resident. This intervention is made to assist residents to resolve any issue or complaint when initial contact is made with the Council. This course of action can limit those issues and complaints having to be progressed through the complaints system and bring about quick solutions for residents.

This approach from officers has led to a relatively lower number of complaints being registered in comparison to the high number of residents who receive services in the Borough.

In 2013/14 there was an increase in the number of stage 1 complaints received - from 484 in 2012/13 to 516 in 2013/14. The Committee was informed that the increase in complaints was mainly due to an increase in complaints regarding Council policy, such as complaints relating to changes to the Council's housing allocations policy, the introduction of the Council Tax Reduction Scheme and national changes to welfare benefits.

A number of these policy related complaints escalated to stages 2 and 3 of the complaints procedure - with a subsequent increase in complaints at these levels (stage 2: 41 in 2012/13 rising to 99 in 2013/14; stage 3: 14 in 2012/13 rising to 50 in 2013/14).

The Committee concluded that there could be an opportunity to streamline the existing procedure to expedite those complaints where the resident has requested escalation of their complaint and where the outcome is likely to remain unchanged at stages 2 and / or 3.

The Committee was informed that there could be an opportunity to refer such policy related complaints direct to the Ombudsman following the outcome of stage 1 of the complaints procedure (should the complainant wish to escalate their complaint). Also negotiation could take place with the complainant where the offer of further remedies could be made to bring a complaint to a resolution at an earlier stage if it was the view of senior officers that there was clear evidence of maladministration on the part of the Local Authority.

The Committee received evidence from a Local Government Ombudsman Investigator who informed the Committee that in 2013/14 the LGO received 93 enquiries / complaints about Hillingdon, which had been less than the average for other London Boroughs (151 enquiries / complaints on average - nearly 40% less in Hillingdon than average).

In addition, the Committee was informed that the LGO received a similar number of enquiries / complaints about adult social care and benefits/tax about Hillingdon to other London Boroughs, but much fewer than the London average for housing, transport and education / children's services.

In terms of the outcomes from complaints, 55% of those referred back to this Council for resolution were upheld - which was the average for all London Boroughs.

The Committee was greatly encouraged to hear that the statistics indicated that Hillingdon was doing more than many other London Boroughs to resolve complaints at an early stage.

1

That it be noted the positive way in which complaints are handled by the Council and that officers are actively encouraged to prevent complaints from escalating by resolving service issues to prevent complaints and where complaints do arise, resolving these at the earliest opportunity.

Reference was made to the large increase in the number of service requests which came into the Council and the need for officers to actively resolve some of the minor issues.

The Committee noted the types of complaints which the Council received and it was agreed that there was a need for officers to differentiate between simple service requests (example - the collection of refuse which had not been collected) and more complex issues. This would be emphasised at target staff briefings to ensure all Council staff provided a consistent service to residents.

The Committee discussed with officers some of the improvements which had been, and which could be made, to improve the handling of complaints and the intervention of officers.

These included the sending of prompt reminders from the Complaints Team to ensure that complaints were responded to on time. There would be the introduction of targeted briefings for managers and relevant staff, which provide advice on how to handle complaints and on resolving complaints at an early stage. There would be better use of the Council's intranet which would provide advice and guidance to officers on handling customer dissatisfaction and complaint procedures.

2

That to ensure consistency, minor service requests across all service areas should not be logged as complaints where the issue is simply corrected within 24 hours.

It was acknowledged that officers are continuing to target those service areas in the Council which receive higher levels of complaints to reduce complaints and resolve issues quickly.

3

That it be noted that officers will continue to target specific service areas to reduce complaints in order to put the Council's residents first.

What makes a good complaints procedure?

The Committee sought the advice of the Local Government Ombudsman Office who provided details of what constituted a good complaints procedure for residents.

- The purpose of a complaints procedure was to enable residents to make officers and the Council accountable for the services provided.
- Where complaints have been justified, complaints enable Councils to address poor working practice and to improve services.
- Complaints procedures needed to be clear and transparent and enable a quick resolution to residents' complaints.
- The fewer the number of stages there are of a complaints process the more likely this could eliminate repetitiveness and bring about a quicker resolution for residents.
- Service requests and appeals should be dealt with separately and outside the complaints process.
- The focus should be on resolving complaints at the earliest opportunity.
- There should be consideration given to the costs of dealing with complaints.
- The key focus should be on customer care and customer satisfaction for residents.
- A complaints process needed to be understood, publicised and accessible for residents.
- There should be a common procedure to cover contractors who provided services on behalf of the Council.
- Managers should be made responsible for dealing with complaints and should be empowered to proactively resolve complaints.
- Managers should be given discretionary powers to remedy failures and to make apologies to complainants where necessary.
- Officers should be given discretionary powers to offer compensation to remedy a failure.
- Failures which have been highlighted by a complaint provided an opportunity to make improvements to services to prevent a recurrence of the same complaint.
- Regarding Council policy - caveats should be contained in complaints procedures which clearly stated that a complaint about Council policy which had been correctly applied should not be taken through the complaints procedure. Complaints could be advised to submit their complaint direct to the Local Government Ombudsman.
- Directors should have sight and knowledge of complaints.

Policy Related Complaints

Discussion took place on aspects of the evidence provided and reference was made to the various complaints which the Council received in relation to the Housing Allocation Policy and Housing Benefit and Council Tax decisions. The Committee was informed that complaints should still be considered regarding the application of policies, but not about the actual content of the policy itself. The importance was stressed of officers ensuring they correctly applied policies.

The Committee was informed that these complaints did escalate through the present complaints procedure, but if changes were made to the complaints procedure, these types of complaints could be resolved at Stage 1 or be referred direct to the Ombudsman if the outcome of the complaint at Stages 2 and/or 3 was unlikely to change.

The Local Government Ombudsman Investigator confirmed that complaints had to have progressed through at least one stage of a local authority complaints procedure before being considered by the LGO.

The communication of Council policies was important and these should be clearly pointed out to residents. Relevant policies and the rules relating to Housing Benefit and Council Tax should be explained to complainants to ensure they understand the reasoning behind the decisions taken which have resulted in the complaint.

To assist the Committee, breakdowns were provided of those complaints which had a policy related element which could be considered for a decision to exit the complaints process after stage 1 on the basis that they were unlikely to lead to a different outcome if considered at stages 2 and / or stage 3 of the process.

Housing related complaints for the year ending 31 March 2014/15 are used as an example to illustrate the case in point.

Informal Housing Complaints (Service Requests)

Year	1 April to 30 June (Q1)	1 July to 30 Sept (Q2)	1 Oct to 31 Dec (Q3)	1 Jan to 31 Mar (Q4)	Total
2013/14	62	91	132	120	405
2014/15	100	112	136	149	497

Total Number of Stage 1 Housing Complaints

Year	1 April to 30 June (Q1)	1 July to 30 Sept (Q2)	1 Oct to 31 Dec (Q3)	1 Jan to 31 Mar (Q4)	Total
2013/14	28	18	62	67	175
2014/15	31	41	48	24	144

Total Number of Stage 1 Housing Complaints - 2014/15

Policy related	62
Non policy	82

Total Number of Stage 2 Housing Complaints - 2014/15

Period	Total number
2014/15	18

Total Number of 'Policy' Housing Complaints Escalating to Stage 2 – 2014/15

Policy related	6
Non policy	12

Total Number of Stage 3 Housing complaints

Period	Total number
2014/15	18

Total Number of 'Policy' Housing Complaints Escalating to Stage 3

Policy related	6
Non policy	12

Summary of Housing 'Policy' Complaints Escalation 2014/15

'Policy'-related complaints progressing from stage 1 to stage 2 = 6/62 (10%)

'Policy'-related complaints progressing from stage 1 to stage 3 = 6/62 (10%)

A Two Stage Complaints Process

During the review, the Committee received information on the option of a Two Stage Complaints procedure. Members were informed that a number of local authorities operated a two stage procedure. These included Warwickshire County Council, Derbyshire County Council, Liverpool City Council, the London Boroughs of Redbridge, Croydon, Richmond, Haringey, Hackney, Islington and Brent.

The Committee was informed that at Brent for example, officers tried to resolve complaints quickly but if it was clear that the matter needed to be formally investigated, the complaint was referred to the relevant department for a **Local Resolution investigation (LR)**.

Stage 1 - Local Resolution (LR) - Investigation of the complaint by the department concerned

At stage 1 of Brent's complaints procedure, the relevant Head of Service has the responsibility for ensuring the investigation complies with standards. The response is signed by the Head of Services or Assistant Director / Director who informs the complainant of their right to request a final review of their complaint if they remained dissatisfied. The Head of Service may refuse to investigate a complaint if they consider that the complainant has not provided a sufficient basis for undertaking an investigation. This provides officers with discretionary powers to enable interventions to take place and not to merely allow complaints to be automatically filtered through the complaints process.

Stage 2 - Final Review - further investigation by the Chief Executive

At stage 2 of Brent's complaints procedure, complainants who remained dissatisfied after their complaint has been considered at the LR stage can request that a final review of their complaint be carried out. Final reviews are conducted independently from the department by the Corporate Complaints Manager on behalf of the Chief Executive.

The Corporate Complaints Manager may refuse to undertake a review if they consider that the complainant has not provided a sufficient basis for undertaking a further investigation. Where the decision is taken not to undertake a final review, the complainant is told that they can ask for their complaint to be considered by the Local Government Ombudsman. This model mirrors other Stage 2 processes.

Key Points to consider if there was a move to a Two Stage Process

The evidence the Committee received during the review did not show clearly either way whether there was greater advantages either for a two or three stage complaints process. However, officers did provide the following summary of the key points to consider should the Council give consideration to moving to a two stage complaints procedure in the future.

Opportunities	Risks
Officer time - saving officer time by avoiding the need to investigate / review the complaint at all three stages (as was the case currently).	Reputational damage with the LGO if complaints were escalated prematurely to the LGO.
Faster resolution / determination for residents - an accelerated complaints process.	It was not clear how a two-stage complaints procedure could work - would the process in effect be stages 1 and 3 of the existing procedure? If so this could lead to more stage 3 reviews of complaints and place a greater burden on the Chief Executive and officers. Or if there was a removal of the existing third stage; a reduction in the scrutiny applied in the complaints process.
An increased focus on early resolution - A reduction in the number of stages in the local complaints procedure could focus attention on early resolution. For example, within adult social care the one-stage statutory complaints process has helped to ensure issues are addressed "first-time" to avert the need for the resident to escalate their complaint to the Ombudsman (NB the timescale prescribed for resolving adult social care complaints is longer than the corporate complaints procedure).	The existing three-stage complaints process provides more opportunities to resolve matters locally. There is a risk that more complaints would escalate to the LGO and in turn, more complaints may be upheld by the LGO. This could lead to more compensation payments and reputational damage.

The view of officers was that the same outcome (i.e. faster complaints resolution, less officer time spent dealing with complaints) can be achieved within the existing three-stage complaints procedure. Within the scope of the existing three - stage complaints procedure there is the opportunity to introduce greater discretion for officers to accelerate complaints through the complaints procedure where the outcome is unlikely to be different at either the second and / or third stage of the procedure. However, this does carry some risks too (e.g. reputational damage with the LGO if a complaint is referred prematurely).

The Retention of the current 3 Stage Corporate Complaints procedure with modifications

It was acknowledged by officers that the review had provided the opportunity to assess the effectiveness of the present procedure and to look at ways of improving and enhancing the process.

The Committee was informed that greater officer intervention was beginning to take place with more verbal and e-mail contact with complainants as part of the Stage 1 complaint investigation. Greater focus was taking place on what was needed to resolve the complaint to the complainant's satisfaction. Targeted briefings were taking place with service managers where complaints officers were providing guidance and training on best practise to deal with complaints. Greater communication was now taking place with attempts to remedy complaints at the earliest opportunity.

The Committee was informed that the retention of the existing three stage process gave managers/Assistant Directors/Heads of Service the flexibility to fast track complaints to the Ombudsman direct from Stage 1 rather than forcing a complainant to go through Stages 2 and 3. This particularly applied to complaints relating to policy decisions where a statutory appeal process already existed.

This approach would significantly reduce the volume of housing, housing benefit and Council Tax complaints from escalating to stages 2 and 3.

Officers believed that at this stage the retention of the three stages would ensure strong customer focus as it would empower the Council's Complaint Teams to manage the process and ensure that the complaint is taken forward in a way that suits the customer and the Local Authority.

It was the view of the Committee and of officers that further work was needed to investigate the opportunities and risks that a move to a two-stage complaints procedure could present. In the immediate future, the Committee agreed that consideration should be given to the modifications to the present three stage process as discussed during the review, but that the effectiveness of the present procedure be monitored to ensure that complaints were being prevented and resolved, to put the Borough's residents first.

4

That the current arrangements for a three-stage complaints procedure continue, with additional discretion to be applied by officers to expedite complaints through stages 2 and / or stage 3 of the procedure in particular where the complaint is against Council policy and therefore the outcome of the complaint investigation will be unchanged.

5

That to implement the above recommendations, an updated three-stage Corporate Complaints Procedure be presented to Cabinet in the Autumn 2015 for consideration and subject to the approval of the Leader of the Council take account of the suggested changes set out in the Committee's review report to streamline the three stage process.

6

Looking ahead, that Cabinet notes that from the evidence the Committee received during the review some local authorities are operating a two stage complaint procedure with success; and that a future report is presented in 2016/17 to both the Cabinet and the Committee on the operation and effectiveness of the Corporate Complaints Procedure, to ensure arrangements for preventing and resolving complaints continue to put the Council's residents first.

APPENDIX A - Number of complaints registered for 2012/13

Stage 1 complaints

Outcome	Volume	%
Upheld	125	26 %
Partially Upheld	106	22 %
Not Upheld	253	52 %
Total	484	100 %

Stage 2 complaints

Outcome	Volume	%
Upheld	6	15 %
Partially Upheld	8	20 %
Not Upheld	27	65 %
Total	41	100 %

Stage 3 complaints

Outcome	Volume	%
Upheld	3	21 %
Partially Upheld	2	14 %
Not Upheld	9	65 %
Total	14	100 %

Number of complaints registered for 2013/14

Stage 1 complaints

Outcome	Volume	%
Upheld	92	18 %
Partially Upheld	136	26 %
Not Upheld	280	54 %
Withdrawn	8	2 %
Total	516	100 %

Stage 2 complaints

Outcome	Volume	%
Upheld	11	11 %
Partially Upheld	27	27 %
Not Upheld	61	62 %
Total	99	100 %

Stage 3 complaints

Outcome	Volume	%
Upheld	5	10 %
Partially Upheld	8	16 %
Not Upheld	37	74 %
Total	50	100 %