

Report for: Overview and Scrutiny – 25th November 2019

Item number: 9

Title: Combined Complaints, Member Enquiries, Freedom of Information Request and Ombudsman Annual Report 2018/2019

Report authorised by: Richard Grice: Director of Customers, Transformation & Resources

Lead Officer: Debbie Darling: Acting FIG & Business Support Manager
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Ward(s) affected: All

**Report for Key/
Non-Key Decision:** N/A – report for noting

1. Describe the issue under consideration

- 1.1 This is the annual report and analysis of Complaints, Ombudsman Cases, Member Enquiries and Freedom of Information Requests for the period 2018/2019. It includes at the end of the report a proposal for consideration on how we collectively as a council learn from complaints.
- 1.2 Previously these have been separate reports, however in order to provide a full overview of the whole area they have been merged into one document under separate headings.

2. Input Requested from Overview & Scrutiny

- 2.1 It is requested that Overview & Scrutiny note the contents of the report and proposed next steps.

3. Complaints

- 3.1 Haringey Council welcomes feedback and complaints and has set challenging targets to respond to 95% of Stage 1 complaints within 10 working days and 80% of Independent Reviews (second stage complaints) within 25 working days.
- 3.2 The Business Change team, based within Customer Services and Libraries, administer complaints at the first stage; the Feedback & Information Governance Team, based within the Shared Service Centre, administer and investigate second stage complaints: Independent Reviews. Since April 2019 both of these areas have merged under the Corporate and Customer Services Directorate.
- 3.3 The majority of complaints are received electronically through email or via an online form. In order to encourage channel-shift hard copy paper forms have been removed from public access points and the direct email/postal address for the complaints team is not publicised, however we are able to provide paper copies if the customer is unable to make a complaint through other means.

- 3.4 Our aim for 2019 into 2020 is to continue to drive the use of the eform online as it is the preferred method to receive complaints allowing the request to be directed to the appropriate place to enable a timelier response.

Method	16/17	17/18	18/19
Email	56%	60%	58%
Online form	31%	30%	35%
Letter	9%	6%	4%
Phone Call	4%	3%	3%

- 3.5 As per the following table, there has been a performance increase of 2% for 2018/2019 against 2017/18 for Stage 1 complaints.

	Volume % Replied to on- time 2016/17	Volume % Replied to on- time 2017/18	Volume % Replied to on- time 2018/19
Stage 1 Complaints	1,896 89%	1,396 85%	1,516 87%
Children's Social Care Complaints	16 56%	21 71%	31 68%
Adults Social Care Complaints	61 100%	56 96%	72 93%

- 3.6 Children's Social Care complaint volumes have seen a further increase on the previous two years. Adults received 72 complaints of which 5 were overdue which has contributed to the slight decrease in performance and being below the 95% for the first time in three years.
- 3.7 Where it is accepted that the authority is at fault in some way the complaint is "upheld". 39% of first stage complaints were upheld in 2018/19 a further 8% reduction on 2017/18 and a reduction of 14% in the past two years so moving in the right direction.
- 3.8 The following table shows the upheld rate across the different service areas. The majority of upheld complaints were for the three council services that received the most complaints and relate to non-collection of rubbish, poor standard of service, lack of timely response, delays in processing parking permits and staff behaviour.
- 3.9 There were 206 complaints around staff behaviour. The key themes across the services were poor attitude and being rude or unhelpful on the telephone, Behaviour of Civil Enforcement officers. When investigated 99 of these 206 were upheld. These were remedied with apologies where appropriate and further training or guidance for those staff.

Service Area	% of Complaints Upheld
Environmental Services and Neighbourhoods	34%
Corporate & Customer Services	31%
Customer Services & Libraries	23%
All other Services	12%

*All other services include, Adults, Commissioning, Strategy & Communication, Public Health, Shared Digital, Schools and Learning and Children services *

- 3.10 The following table shows the five Service Areas that received the most complaints in 2018/2019. As expected, they are also the service areas that interact most with residents. There has been a decrease in volumes of complaints for Revenues and Benefits reflecting the work this area has put in to significantly reducing its backlog.

Service Area	No. of Complaints	% of Total Complaints Received
Environment & Neighbourhoods	286	19%
Commissioning & Client (including on street waste)	245	16%
Revenues	232	15%
Contact Centre	228	15%
Benefits	88	6%

- 3.11 The following table shows the top reasons why people submit complaints. 2018/19 data shows a shift from 2017/18, previously the majority of complaints were received due to poor standard of service, it is now showing as inadequate /inaccurate communication.

Complaint Reason	%
Inadequate / inaccurate communication	46%
Poor standard of service	30%
Failure to provide a service	10%
Employee behaviour	9%
Dissatisfaction with policy\decision	5%

Independent Reviews (Stage 2 Complaints)

- 3.12 The Feedback and Information Governance (FIG) Team reviews stage one complaints for both the Council and Homes for Haringey. The following table shows the increase in volumes for this year whilst improving performance year on year.

	2016/17	2017/18	2018/19
Volume	402	280	358
% responded to on-time (Target 80%)	84%	87%	92%

- 3.13 All first stage responses give the complainant details on how to escalate their complaint if they remain dissatisfied, a total of 23% took their complaints to the next stage. Of the 358 investigated, a total of 26% were upheld or partially upheld. The following table breaks this information down across Service Areas:

HFH upheld or partially upheld complaints cases were about communication, delays in responding to reported issues, missed appointments and poor service.

Environment and Neighbourhoods upheld or partially upheld complaint cases were due to missed refuse collections, overflow of waste, bins not put back in correct places and anti-social behaviour

Service Area	No of IRs	% of Total IRs received	No. upheld / partly upheld	% of total upheld / partly upheld cases
Homes for Haringey	168	46%	53	58%
Environment & Neighbourhoods	81	22%	17	18%
Corporate & Customer Services	46	12%	7	8%
Customer Services & Libraries	13	4%	7	8%
Planning	15	4%	1	1%
Children's Services - Safeguarding & Social Care	9	3%	3	3%
Children's Services - Early Help and Prevention	9	3%	1	1%
Adult Social Services	7	2%	2	2%
Commissioning	3	1%	0	0%
Schools & Learning	3	1%	1	1%
Corporate Governance	2	1%	0	0%
Housing	2	1%	0	0%
Total	358	100	92	

Complaints Next Steps

- 3.14 From the 1 November 2019, the Feedback and Information Governance team (FIG), and the Feedback team, will merge to form one team, to be known as the Corporate Feedback Team.
- 3.15 The priority for the Service will be to continue working in partnership across Haringey with all business units.
- 3.16 Stakeholder meetings with the Managing Director of Homes for Haringey are now held monthly to review and discuss the complaints performance to understand how they can improve on timeliness of responses alongside learnings from cases upheld.
- 3.17 As part of the Front Office Back Office (FOBO) programme, the IT system used by the team to log and manage cases (Respond) is being upgraded to the latest version. Over the coming weeks we will keep everyone informed about the changes, implementation and rollout of the new system.

4. Member Enquiries

- 4.1 In 2018/19 a total of 2,778 enquiries were received from Members including enquiries on behalf of customers and residents from Haringey Councillors (77%) and Members of Parliament (23%). This is an increase of 24% from 2017/18.
- 4.2 The target is to respond to 95% of Member Enquiries within the 10 working days. In 2018/2019 the response rate was 92%, an improved performance alongside a significant increase in volumes.
- 4.3 The following table shows the comparative performance data across the last four years

	Number	% Replied to on-time
2018/19	2,778	92%
2017/18	2,249	89%
2016/17	3,042	91%
2015/16	2,665	88%

- 4.4 The following table shows the breakdown of Member Enquiries received across service areas for 2018/19.

Service Area	No. of ME's 2018/19	% of Total ME's 2018/19
Environment & Neighbourhoods	1603	57%
Customer & Corporate Services	283	10%
Planning	221	8%
Customer Services & Libraries	125	4%
Adult Social Services	113	4%
Housing and Growth	104	3%
Commissioning	88	3%
Children's Services- Safeguarding & Social Care	47	2%
Children's Services – Early Help & Prevention	60	2%
Regeneration	40	1%
Schools and Learning	41	1%
Strategy & Communications	20	1%
Corporate Governance	19	1%
Finance	4	1%
Project Development	1	1%
Public Health	9	1%

- 4.5 The following table breaks this information down further for the top 3 service area

Environment & Neighbourhoods	57%
Operations	45%
Commissioning & Client	27%
Community Safety & Enforcement	26%
Organisational Resilience	1%
Procurement	1%

Corporate & Customer Resource	10%
Benefits	51%
Revenues	45%
HR	2%
Feedback & FIG	1%
Finance	1%

Planning	8%
Development Management and Planning	82%
Planning Policy & Transport Planning	16%
Building Control	2%

4.6. The following table gives a breakdown of issues raised in the enquiries.

Nature of Enquiry	%
General Information / Service Request	53%
Inadequate / Inaccurate Communication	22%
Poor standard of services	15%
Failure to provide a service	5%
Dissatisfaction with policy / decision	2%
Employee Behaviour	4%

- 5.1 A total of 92% of Member Enquiries were requests for information or Service Requests – such as requests for a repair to street lighting or notification of dumped rubbish. A recent tune-up session was held with Members which received favourable feedback and a further session will be held shortly for those Councillors that could not attend on that day.
- 5.2 The session helped us understand challenges for our Councillors in their roles and actions were taken away to support. All feedback will be put into an action plan to progress to support and improve the ME process.
- 5.3 Haringey Council has been taking continued steps to encourage residents to self-serve via apps or through the website as this is the most efficient way to report such matters due to the integration with current operating systems managed by both Homes for Haringey and Veolia (our external Waste Management contractor) rather than raise them via their Councillors.

Member Enquiries Next Steps

- 5.4 We recognise the importance of feedback and its value in shaping our service delivery. We are currently facing challenging times across the Council with fewer resources and higher demand, notwithstanding that we continue to emphasise the importance of responding to Feedback and MEs.
- 5.5 Going forward our aim is to continue to work with the Councillors and MP's to improve the Service Requests and Member Enquiries process to allow us to issue a timely response.

Freedom of Information (FOI)

- 5.6 The Freedom of Information (FOI) Act was introduced in 2005 with its purpose being to make authorities and public bodies more open and transparent with the information they hold.
- 5.7 The FOI Act and the Environmental Information Regulations (EIR) are very similar and are dealt with through the same process. The figures given below are for both FOI and EIR requests.
- 5.8 Public Authorities should respond to FOI / EIR requests within 20 working days from the date the request was received.
- 5.9 All requests must be received in writing and Haringey has a dedicated online form and email address for this.
- 5.10 In line with best practice, Haringey has been proactively publishing more data and information online and has a disclosure log, which shows all requests received and responses issued. In addition, a full performance report is published online.
- 5.11 Between April 2018 and March 2019 Haringey responded to a total of 1433 requests, 82% of responses were sent within 20 days. The following table shows the performance across the past 5 years.

Year	No. of requests	% on time
2018-2019	1434	82%
2017-2018	1352	83%
2016-2017	1471	87%
2015-2016	1494	89%
2014-2015	1472	91%

- 5.12 There are cases where information was not provided to the requestor either because it was not held or there was a cost attached to it.

Information not Provided	Total	% of Total requests
Information not held	209	15%
Information not given due to cost	43	3%

- 5.13 In addition to these requests there were a further 148 cases (10%) where an exemption was applied. Both the FOI and EIR Acts contain exemptions that allow Public Authorities to withhold information in certain cases.

FOI - Exemption Applied	Total	% of Total Exemptions
Section 40 – Personal Information	44	30%
Section 31 – Law Enforcement	46	31%
Section 43 – Commercial Interests	12	8%
Section 21 – Info accessible by some other means	6	4%
Section 22 – Intended for future publication	12	8%
Section 24 – National Security	3	2%
Section 42 – Legal Professional Privilege	8	5%
Section 30 - Investigations and proceedings by public authorities	4	3%
Section 32 - Court records	1	<1%
Section 36 – Effective Conduct of Public Affairs	1	<1%
Section 38 - Health and Safety	8	5%
Section 41- Information provided in confidence	2	1%

EIR - Exemption Applied	Total	% of Total Exemptions
Regulation 13 – Personal data	1	<1%

- 5.14 The highest number of requests was received by Environment and Neighbourhoods Service who dealt with 468 cases, 33% of all received, and they responded to 89% on-time.

Service	No of requests	% of total requests
Environment & Neighbourhoods	468	33%
Corporate & Customer Services	234	16%
Commissioning	140	10%
Planning	127	9%
Children's Services - Safeguarding & Social Care	80	6%
Schools & Learning	72	5%
Housing & Growth	56	4%
Children's Services - Early Help & Prevention	55	4%
Corporate Governance	53	4%
Public Health	37	3%
Strategy & Communications	29	2%
Adult Social Services	27	2%
Customer Services & Libraries	18	1%
Finance	13	1%
Regeneration	13	1%
Transformation and Resources	7	<1%
Shared Digital (Haringey)	5	<1%
Grand Total	1434	100%

- 5.15 For the past 5 months, the Information Commissioners Office (ICO) has been monitoring all London Boroughs on their FOI performance as many are not meeting their statutory obligation of achieving 90% or above for response time.
- 5.16 We welcome this overview and have developed an action plan to improve and sustain our performance which is currently at 85% for 2019/20 to date.

6. Local Government Ombudsman Performance and Findings

Summary

- 6.1 Every year the Local Government Ombudsman writes to all Local Authorities with details of the complaints that their office has received including information about the number of complaints and enquiries received, the decisions made, and compliance with recommendations during the period.
- 6.2 There is further information on the Ombudsman's website, which provides a comparison with other Local Authorities. Some key statistics are shown below:
- The Ombudsman registered a total of 16,899 in complaints and enquiries 2018/19 compared to 17,452 in 2017/18
 - They carried out 4232 detailed investigations in 2018./19 compared to 4020 in 2017/18
 - Of those detailed investigations they upheld 58% which is a slight increase from 57% in 2017/18
 - They made 1929 recommendations to put things right on upheld cases for 2018/19

- The areas in which they held up the highest proportion of investigations was Benefits and Tax. (69%). The lowest proportion was Planning and Development (37%)
 - Haringey had less cases referred to the LGO in 2018/19 – 166, compared to 185 in 2017/18 however our upheld rate increased to 37% compared to 24%.
- 6.3 The Ombudsman issued one report against Haringey Council in 2018/19, relating to two complaints from the same resident who raised concerns about the suitability of the temporary accommodation provided to her and her family; the failure to deal properly with her requests for a review of the suitability of two properties provided when the family was homeless, and the failure to deal with disrepair issues.
- 6.4 In response to these findings, the Council made a payment to the family, inspected the family's current property and dealt with any disrepair issues. We also agreed to undertake an audit of other suitability review requests to identify if similar failings had occurred. We were asked to provide a suitable remedy for any people similarly affected.
- 6.5 The remedies have in the main been completed. Some repairs issues remain in process at the resident's current property. The audit of other Suitability Reviews has been undertaken, and 17 cases were considered. Of those, 11 properties were found to be suitable, 5 not suitable and 1 was otherwise resolved. In 7 cases compensatory payments were made to recognise delays in undertaking the review.
- 6.6 There were some further issues experienced with regards to our responses on some cases in that there have been delays or incomplete responses sent. These are not reportable and are highlighted purely to allow us to review and learn.
- 6.7 As part of the LGO feedback, Councils must provide a report detailing investigations that found fault. The format and timing of this report is currently being discussed with legal and we are waiting for a response. This remains a priority.

Ombudsman Statistics

- 6.8 The following table shows the number of enquiries the ombudsman received in 2018/19 and the outcome. Categories of "advice given", "incomplete/invalid", and "referred back for local resolution" are all cases that did not involve the Ombudsman investigating the complaint. This equated to 71 cases and 43% of the total received.
- 6.9 Cases that are closed after initial enquiries do involve some investigation and input from the Council.
- 6.10 The upheld and not upheld cases are the ones that proceeded to a full investigation. Of the cases we dealt with, 37 were upheld representing 22% across all enquiries regarding Haringey received by the Ombudsman.

Outcomes 2018-19	Number
Advice given	13
Incomplete / invalid	13
Not Upheld	16
Upheld	37
Referred to local resolution	45
closed after initial enquiry	42
Total	166

- 6.11 Of the cases investigated, the Ombudsman upheld 37. One case had two aspects and was recorded on our system as one complaint, so our figures show us 36 cases being upheld, the outcomes of these are as follows:

Remedy 2018-19	No
Apology	2
Apology, Financial redress: Avoidable distress/time and trouble	1
Apology, Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service, Financial Redress: Quantifiable Loss, New appeal/review or reconsidered decision	1
Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, Provide services, Procedure or policy change/review	2
Apology, Financial redress: Avoidable distress/time and trouble, New appeal/review or reconsidered decision	1
Apology, Financial redress: Avoidable distress/time and trouble, Other Remedy	2
Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	4
Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review, Training and guidance	1
Apology, Financial redress: Loss of service, Training and guidance	1
Apology, Financial Redress: Quantifiable Loss, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	1
Apology, New appeal/review or reconsidered decision	2
Apology, New appeal/review or reconsidered decision, Procedure or policy change/review	1
Apology, Procedure or policy change/review	1
Apology, Provide services, Procedure or policy change/review	1
Financial redress: Avoidable distress/time and trouble	3
Financial redress: Avoidable distress/time and trouble, Apology, Procedure or policy change/review	1
Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review, Other Remedy	1
Financial redress: Avoidable distress/time and trouble, Provide services	1
Financial Redress: Quantifiable Loss	1
New appeal/review or reconsidered decision, Financial redress: Avoidable distress/time and trouble	1
Null	6
Other Remedy	1

- 6.12 These 36 cases have been broken down below: These cases have all been remedied. Adult Social Services - 3 number
These cases were:

- Delays in making care assessments and providing a suitable care package
- Failure to investigate safeguarding concerns.

HFH – 5 number

These cases were

- Failing to act on suitability review requests.

- Mishandling a housing application
- Delay in reviewing a homelessness decision and undertaking repairs

Children's Services - 16 number

These cases were

- Failure to transfer a SEN to an EHCP within the appropriate timescale
- Failure to ensure an EHCP was fully implemented
- Delay in issuing an EHCP along with a related lack of provision
- That a report for a Child Protection Conference was unbalanced
- Child in Need referral and assessments contained some inaccuracies
- Failure to pay special guardianship allowance and getting the calculations wrong
- Failed to provide support to a special guardian
- Six cases where there was a failure to provide support to families with no recourse to public funds
- Failure to follow correct statutory procedures when removing children from a foster carer
- Failing to involve a parent in a child protection assessment
- Failing to deal with a complaint through the statutory procedures.

Revenues & Benefits – 7 number

These cases were

- Failing to respond to requests for clarity over what was owed
- Delays in processing claims,
- Dealing with appeals and referring cases to the Tribunal
- Failure to process a student discount application.

Environment & Neighbourhoods – 4 number

These cases were

- Failing to fully consider exceptional circumstances in a disabled parking bay application
- Our failing in not notifying our enforcement agent that a PCN had been cancelled
- Fault in handling a Blue Badge appeal and for not being clear in our correspondence with the applicant
- Lack of clarity over a resident's entitlement to a parking permit

Planning – 1 number

This case was

- Failure to notify a resident of a nearby planning application.

6.13 The Ombudsman Report shows Haringey's performance against our neighbouring boroughs as detailed below;

Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Total	Uphold Rate (%)	Average uphold rate (%) of similar authorities
London Borough of Barnet	6	7	90	45	16	24	188	60	63
London Borough of Camden	3	9	40	21	27	10	110	27	63
London Borough of Enfield	3	8	63	22	7	23	126	77	63
London Borough of Hackney	9	10	46	39	9	21	134	70	63
London Borough of Haringey	13	13	45	42	16	37	166	70	63
London Borough of Islington	10	15	34	23	15	11	108	42	63

6.14 In this year's Ombudsman letter, they recognized that Local Authorities are faced with budget and resource pressures however they are challenging the LA's to not to "throw out the rule book" when redesigning services. The Ombudsman's report finds four common themes for councils to look out for, where ineffective planning for change can lead to service failure for local people: See the 4 elements below they found in their survey.

- Accommodating longer backlogs
- Reviewing eligibility criteria
- Using new partnerships and delivery arrangements
- Restructuring and redesigning services.

Briefing for:	Richard Grice & Andy Briggs Director Customer, Transformation and Resources & Assistant Director Corporate & Customer Services
Title:	<u>Options Paper</u> <u>Learning from Complaints</u>
Lead Officer:	Debbie Darling Acting Corporate Feedback Team Manager and Business Support Manager

Purpose

To start a conversation and progress how we start to learn from complaints and ensure that the council recognise the complaint issues specifically repeat issues and improve the council's performance

This report will progress how we consider the options that are available or to create a Partnership Improvement Group considering who should own and facilitate the group meetings. The frequency required. Who are the stakeholders that should attend that have the influence and authority to ensure that actions are taken away and followed through? Or it could be something different.

Summary

Currently, we do not have any committee or working group that supports learning from complaints or how this is undertaken in each service area when errors are identified. This learning could be identified either from an upheld complaint or feedback from the Local Government Ombudsman. The data is suggesting that we are repeating the same mistakes. Reports are being issued from the LGO so there is a risk to the council's reputation. Some complaint learnings could be cross service issues and we are not sharing those learnings and we should be. Every learning that is established should be an opportunity to put things right not just for the person that complained but also for those that are in similar situations which will ensure we are proactive rather than reactive to our resident's needs.

Options to be considered.

Option 1

Do nothing and carry on as we are

Option 2

Create a Partnership Improvement Group with stakeholders from each service that have the influence and authority to take away actions and change things. It would allow the council to share learnings, take ownership and follow up. It would be an opportunity to share ideas and expertise and skills and the end goal would be to see fewer complaints and more importantly, fewer repeated complaints.

Option 3

The Senior Management team discuss and develop something that supports learning

Recommendation

My recommendation is option 2 as I think it would have huge benefits for the council if everyone commits to working together. We will always receive complaints however its how we deal with them and how we own correcting them that minimises impact to the resident and to the council's reputation.