



## London Borough of Enfield

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<b>Report Title</b>	<i>Overview of Complaints Process</i>
<b>Report to</b>	<i>Overview &amp; Scrutiny Committee</i>
<b>Date of Meeting</b>	<i>14<sup>th</sup> November 2023</i>
<b>Cabinet Member</b>	<i>Cllr Tim Leaver</i>
<b>Executive Director / Director</b>	<i>Simon Pollock, Executive Director of Environment &amp; Communities</i>
<b>Report Author</b>	<i>Eleanor Brown, Director of Customer &amp; Communications (acting)</i>
<b>Ward(s) affected</b>	<i>All</i>
<b>Classification</b>	<i>Part 1 Public</i>
<b>Reason for exemption</b>	<i>N/A</i>

### **Purpose of Report**

1. This report is in response to the Overview & Scrutiny Committee's request to understand Enfield Council's complaint handling process. It covers corporate, statutory (social care) and Ombudsmen complaints.
2. It concludes with an example demonstrating how complaint learning is used to improve services, resulting in complaint reduction over time.

### **Main Considerations for the Panel**

3. Enfield Council handles two main types of complaint categories – corporate and statutory social care. All have different handling processes and those for social care are based on legislative requirements.
4. When a complainant is dissatisfied with the Council's response, they can escalate their complaint to the relevant Ombudsman.

5. A key feature of complaint handling is using learning to improve services, such as the recent example relating to waste services and reducing missed bin collections.

## **Background and Options**

6. Complaints submitted to Enfield Council are handled under two broad types: corporate and statutory complaints. Statutory complaints are those regarding children and adult social care (each have slightly different handling processes and legislation). Corporate complaints are all other complaints about services run by the Council.
7. For both types, if the complainant remains unhappy with the Council's final response, they can escalate this to the Ombudsman for independent review. There are two such organisations: Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS). The latter deals with social housing complaints, whilst the former all other types of complaints regarding local authority services.
8. A complaint can be wide-ranging but is broadly defined as an expression of dissatisfaction with a service provided, or lack of action by the Council or its staff which requires a response.
9. Complaints can be submitted by anyone who is affected by the Council failing to do something we should have done or doing something to an unsatisfactory standard. Complainants can also ask someone to complain on their behalf (e.g. relative, carer or friend)
10. Complaints can be submitted in various formats including via our website<sup>1</sup>, telephone, email and by post.
11. Upon receipt, complaints are assessed and distributed to services by the Council's Complaints & Access to Information Service (within Environment & Communities Department). The team's role is to support services with their responses; provided guidance where necessary; deliver corporate complaints handling training; and conduct regular corporate performance reporting to drive performance improvement and a complaints learning culture across the organisation. Additionally, a dedicated Council Housing complaints team exists within the Housing & Regeneration department.
12. Although processes and performance targets vary depending on the complaint type, all complaint responses record whether the complaint is upheld, partially upheld, or not upheld and why.
13. The next sections of the report outline the complaint handling processes for corporate, statutory and Ombudsmen complaints. The final section concludes with an illustration of how complaints learning is used to improve service performance and ultimately reduce customer complaints.

## **Corporate Complaints**

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<sup>1</sup> <https://www.enfield.gov.uk/contact-us/are-you-unhappy-with-something/make-a-formal-complaint>

14. Generally, issues brought to the Council for the first time are dealt with as a service request and are not processed as a complaint. However, these are escalated to a formal complaint if the resident/customer remains unsatisfied.
15. Enfield Council has a two stage complaints process:
- **First Stage:** We aim to resolve the complaint as soon as possible and within 10 working days of acknowledgement.
  - **Final Stage:** If a complainant is unsatisfied with the response, they can escalate their complaint to the final stage for further consideration. The first stage response is reviewed by a senior manager to determine whether the response satisfactorily addressed the issues raised by the complainant. We aim to provide a response within 30 working days. If the complainant remains dissatisfied, they can escalate their complaint to the relevant Ombudsman.
16. To measure performance, the Council measures how many first stage complaints are answered on time. The Key Performance Indicator (KPI) target for this is 95% within 10 working days. For final stage complaints, the KPI is 95% within 30 working days.
17. During the Covid-19 pandemic, like many local authorities, the first stage metric was reduced to 95% within 20 working days. However, during 2022/23, this was reverted back to 10 working days.
18. Upon final stage completion if the complainant remains dissatisfied, they have the right to escalate their complaint to the relevant Ombudsman, who conduct an independent review.
19. In addition to providing services with support and advice when responding to complaints, the Complaints & Access to Information Service also produce a variety of operational and performance reports designed to improve service delivery and customer experience.
20. Weekly departmental reports are circulated to Executive Directors, Directors, Heads of Service and responding officers to increase on time performance rates. Departmental Management Teams receive updates regarding their complaints performance and learning as well as quarterly KPI results.
21. Corporate KPI performance is also included in the Council's Quarterly Performance Reports.
22. The Council's Corporate Complaints Annual Performance Report covers multiple performance areas such as volume, KPI outcomes, improvement learning and yearly trends. This is reviewed by the Council's Assurance Board (corporate governance board chaired by Chief Executive) and then presented to the General Purposes Committee (GPC). The report is

subsequently published on the Council's website<sup>2</sup> alongside the remaining annual complaint reports.

23. Additionally, the Complaints team support services to identify learning from their complaints and track their progress with implementing these improvements throughout the year. Progress is reported to the Council's Assurance Board and available to scrutiny committees.

### Children's Social Care Statutory Complaints

24. The Children's Act 1989 Representation Procedure (England) Regulations 2006 requires all local authorities to maintain a formal complaint handling process for children's social care. This 3-stage process is designed to ensure concerns raised by children, young people, their parents or carers are resolved swiftly, and learning informs future service provision.
25. Further refining the definition of a complaint in para 5, for children's social care the Act's description is "*A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response*".
26. Complaints can be made by a wide range of children including a child/young person (or their parent/someone who has parental responsibility), a foster carer, children leaving care, special guardians, a child/young person who may be adopted, people wishing to adopt a child.
27. As per the Act, Enfield Council handles children's social care statutory complaints using a three stage process:
- **Stage 1 – Local Resolution:** This is the most important stage of the process. Our aim is to resolve as many complaints as possible through quality and timely responses, reducing the need for further stages. Service managers provide a written response to complainants within 10 working days. This can be extended to 20 working days if the complaint involves complex matters, or to allow for appointing an advocate where a vulnerable person is involved.
  - **Stage 2 – Independent Investigation:** When the complainant is dissatisfied with the Stage 1 response, they can request a Stage 2 investigation. The investigation is conducted by an external investigating officer with an independent person who oversees the fairness and transparency of the investigation process. The findings from the investigation and any recommendations are set out in a report which is then adjudicated by the Director of Children's Services. The timescales for responding to a complaint at stage 2 is 25 working days, with an extension of up to 65 working days for complex cases.
  - **Stage 3 – Independent Review Panel:** This is the concluding stage of the Council's complaints procedure when the complainant remains

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<sup>2</sup> <https://www.enfield.gov.uk/services/your-council/annual-complaints-reports>

dissatisfied with the responses at Stages 1 & 2. The Council is required to establish an independent Complaints Review Panel. The hearing should take place within 30 working days of the request and is made up of three people, all independent to the local authority. The complainant has the opportunity to present their case to the panel alongside the Council. The Chair of the Panel communicates the panel's decision to the complainant and Director of Children's Services within five working days of the panel hearing and the Director must respond to the complainant within 15 working days.

28. If the complainant is not satisfied with the outcome of the Independent Review Panel, they have the right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO).
29. In addition to supporting Children's Social Care services when handling these complaints and organising the various external panels, Complaints & Access to Information Service provide weekly complaint reports to the People Departmental Management Team as well as quarterly performance and learning reports to the Children's Social Care Director and senior management team.
30. The statutory annual complaints report is also produced and approved by the People Departmental Management Team and Children's Scrutiny Committee before it is published on the Council's annual complaints webpage.

#### Adult Social Care Statutory Complaints

31. The Adult Social Care statutory complaints process is comprised of one stage. The regulations stipulate that all complaints must be responded to, in writing, within six months of receiving the complaint. However, Enfield Council aims to complete our complaint responses within 20 working days, which is similar to many local authorities.
32. Complaints can be made by anyone who has received, is currently receiving, or is seeking an adult social care service from Enfield Council. A family member, carer or formal representative may also complain on a service user's behalf.
33. Services provided by an external provider acting on the Council's behalf are also included. In such instances, complaints can be submitted directly to the provider or the Council.
34. If the complainant remains dissatisfied with the Council's response, they have the right to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).
35. In addition to supporting Adult Social Care service when handling these complaints, the Complaints & Access to Information Service provide weekly complaint reports to the People Departmental Management Team as well as quarterly performance and learning reports to the Adult Social Care Director and senior management team.

36. The statutory annual complaints report is also produced and approved by the People Departmental Management Team and Health & Adult Social Care Scrutiny Committee before it is published on the Council's annual complaints webpage. Since last year, an easy-read version of the report is also available online.

Ombudsmen (LGSCO)

37. Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) are independent organisations providing impartial reviews of residents' complaints (poor service, failure to provide a service and maladministration). Whilst most complaints come under the LGSCO's remit, HOS deals with most social housing related complaints.

38. As some social housing related complaints fall under the LGSCO rather than HOS, the below table summarises the split between the two ombudsmen for social housing complaints:

LGSCO	HOS
<ul style="list-style-type: none"> <li>- Housing allocations</li> <li>- Homelessness</li> <li>- General housing advice</li> <li>- Housing benefit</li> <li>- Housing improvement grants</li> <li>- Antisocial behaviour (<i>falling outside of social landlord remit</i>)</li> <li>- Noise nuisance (<i>reports of statutory noise and other nuisance to environmental health services</i>)</li> <li>- Sale or disposal of land on housing estates</li> <li>- Planning and building control at properties owned by a social landlord</li> <li>- Adult social care (<i>delivered by registered social landlords</i>)</li> </ul>	<ul style="list-style-type: none"> <li>- Leasehold services</li> <li>- Moving to a property</li> <li>- Rent and service charges</li> <li>- Occupancy rights</li> <li>- Property condition – repairs &amp; improvements</li> <li>- Tenant behaviour</li> <li>- Estate management</li> <li>- Complaint handling</li> <li>- Compensation</li> </ul>

39. In most cases, the Ombudsmen will normally only consider complaints if the complainant has exhausted the Council's internal complaint procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

40. There are 2 stages for Ombudsmen complaints:

- **Preliminary Enquiry:** Ombudsman requests original complaint and LBE responses (first and final stages). Depending on their findings they may decide to investigate the complaint further.

- **Investigation Request:** Ombudsman conducts investigation (often escalation from Preliminary Enquiry stage) resulting in Ombudsman final decision and any remedial actions for Council etc.
41. In terms of response time, this is set by the Ombudsmen. However, the Council does have the opportunity to time agree extensions where cases are particularly complex.
42. The Ombudsmen are important because they are the 'end-of-the-line'; when a complainant remains dissatisfied with how the Council has handled their complaint. They make the final decision bringing closure to the complaint. The LGSCO routinely publishes all its decisions on its website. There are no requirements for councils to publish the decisions themselves.
43. The consequences for the Council if we fail to cooperate, respond, implement actions etc. are serious threatening both how we operate as an organisation and our reputation. There are three possible outcomes for LGSCO:
- **Witness Summons:** Council's Chief Executive is summoned to Court
  - **Public Interest Report (PIR):** Ombudsman actively publishes the findings of their report, e.g. to local and national media; Enfield Council must publicly publish the report and officers are held to account by Cabinet
  - **Complaint:** Ombudsman opens a new investigation against the Council for non-compliance with agreed actions which can result in additional financial compensation to the complainant
44. The HOS has one failure outcome:
- **Complaint handling failure order:** the Council is legally required to comply with the Ombudsman's instructions. The HOS publicises Failure Orders it issues every quarter, naming the Councils whom have received them.
45. The Complaints & Access to Information Service oversee communications and stakeholder management between Enfield Council and the Ombudsmen. The service produce weekly Ombudsmen performance reports shared with Chief Executive, Executive Directors, Directors, Heads of Service and responding officers to support timely responses, oversee action implementation and provide evidence to the Ombudsmen accordingly.
46. Both Ombudsmen produce and public annual performance reports which are available on their websites and sent to the Council's Chief Executive. Enfield Council's corporate and statutory complaints annual performance reports includes summary of those findings as part of the performance analysis.

Ombudsmen Consultation Update

47. During 2023, the LGSCO and HOS developed a joint Complaints Handling Code, to standardise the expectations on local authority complaints processes from each Ombudsman.
48. The Code is currently out for consultation. Enfield Council has been invited to comment along with all other authorities as well as the Local Government Association. The consultation response is due by 23rd November 2023. The Council's response will be approved by the Chief Executive and Portfolio Holder.
49. The Ombudsmen currently expect to publish the final Code and associated guidance in February 2024. The HOS will make the Code statutory from 1st April 2024, therefore in practical terms Enfield Council will need to be compliant from this date.
50. The joint code would not apply to statutory social care complaints, as the process for these is determined within primary legislation.

#### Complaints Learning Case Study – Repeat Missed Bin Collections

51. During 2021/22 complaints analysis for waste services identified a growing increase in missed bin collection complaints over a three-year period.
52. Changes to collection frequency, introduction of paid garden waste collections, and challenges to service delivery during the pandemic contributed towards these volumes. For example, customers expectations were higher regarding paid collections; when missed, fortnightly collections left residents with full bins for longer compared to weekly collections.
53. However, many complaints related to repeat missed collections over long time periods the cause of which was unknown. Consequently, a transformation project was established to understand what was happening, why and how to resolve it. This was a multi-disciplinary team involving waste services, customer services, transformation and digital services. The complaints data was triangulated with other qualitative and quantitative data to identify the root cause and design solutions to address this. The project also designed and implemented other solutions to improve the customer experience for refuse collections.
54. In summary the issues were:
  - Lack of data visibility and therefore restricted ability to identify areas experiencing repeat missed collections and implement solutions.
  - Crew supervisors had limited opportunities to shadow crews and conduct site visits (e.g. identify cause of repeat missed collections) as lack of process automation created additional manual work
  - Crew reporting and supervisor review of daily collection records were all manual and therefore time consuming. Waste vehicle technology designed to ensure real-time reporting from crews to contact centre was not widely used by crews.



- Contact centre didn't have access to key back-office thereby reducing their visibility of issues and lack of accurate information to address customers' missed bin reports.
- LBE webpage and information was difficult to navigate and understand.
- Lack of consistent understanding and visibility of the collection policy
- High reliance on agency staff (particularly during Covid-19) who didn't apply the policy consistently when collecting bins causing confusion with residents.
- Traffic and congestion on main road networks meant crews were unable to finish rounds.
- IT issues between systems generated unintended bulky waste collections.
- Customer feedback and 'voice' was not central to the problem identification and solution design process. Customers didn't feel listened to.

55. The findings informed a number of process, people and technology improvements to the refuse collection service:

- Fewer repeat missed collections.
- Customers no longer need to call multiple times to report a missed bin. Call agents can now handle the enquiry, regardless of the time the customer calls.
- Real time information why customers' bins are not collected. Call agents are more knowledgeable about what has gone wrong and how to fix it when handling customer enquiries and complaints.
- Fewer bulky waste missed collections.
- Customers now have the opportunity to share feedback face to face with Enfield Council

56. As a consequence of these improvements:

- Repeat missed bin complaints are at all time low falling from 49 monthly average in 2021 to 9 monthly average in 2023.
- Increased customer satisfaction with how we've handled and resolved missed bin collections with overall increase in meeting customer expectations increasing by 3% from Q1 to Q2 in 2023/24 June to July 23
- Fewer customers are calling us multiple times to report a missed bin – reduced failure demand. In 2021/22 we received 1,907 avoidable customer calls. Since removal of 4pm rule in Nov 22, during 22/23 this dropped to 1,275.
- Missed bin MEQs are decreasing. The monthly average between Jan 22 to Sept 22 and Jan – Sept 23 has fallen by 40% from 15 to 9 per month respectively. Although there have been some peaks and troughs over the past 9 months.
- Since Oct 22 to Sept 23:
  - o Repeat missed bin collections (all waste streams) has reduced from 401 to 271.
  - o Repeat missed garden waste collections have reduced from 64 to 23.
  - o Quarterly number of missed bin collections have reduced from 4,650 (0.19%) to 2,922 (0.12%)
  - o Quarterly garden waste missed bin collections have reduced from 729 (0.38%) to 415 (0.22%)

57. Graphs displaying these statistics visually are available in the appendix.

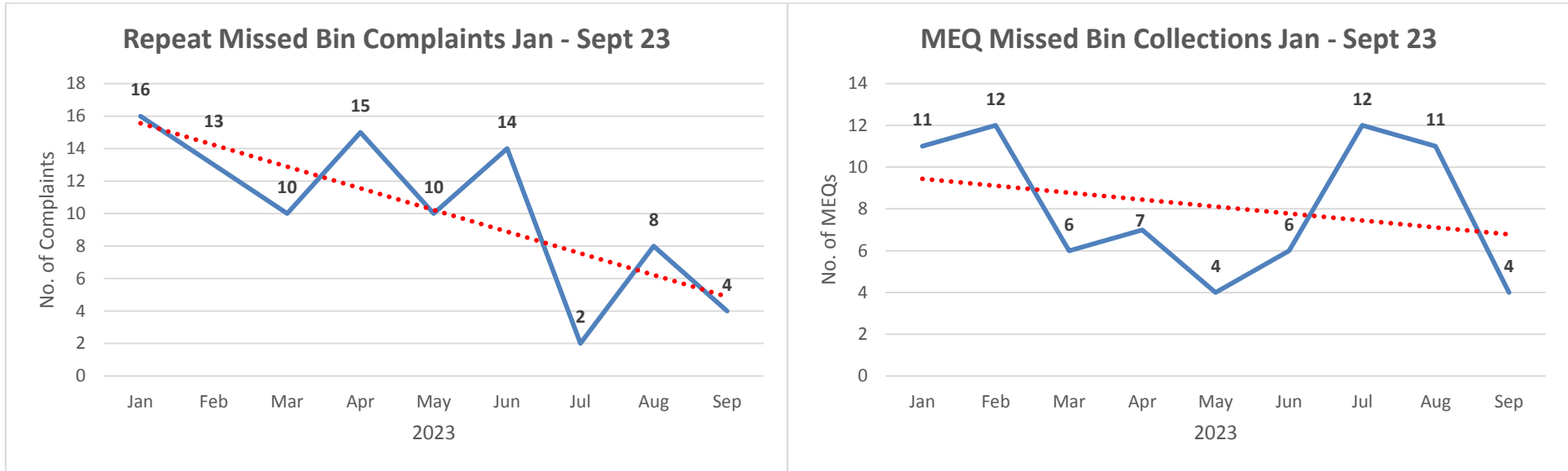
**Relevance to Council Plans and Strategies**

58. Complaints incoming to the Council indicate where the Council is not achieving its plan and vision, or where its strategy has not had the desired effect on the resident experience. Complaints learning provides an opportunity to support actions plans designed to improve service delivery where quality levels currently do not meet those which the Council aspires to.

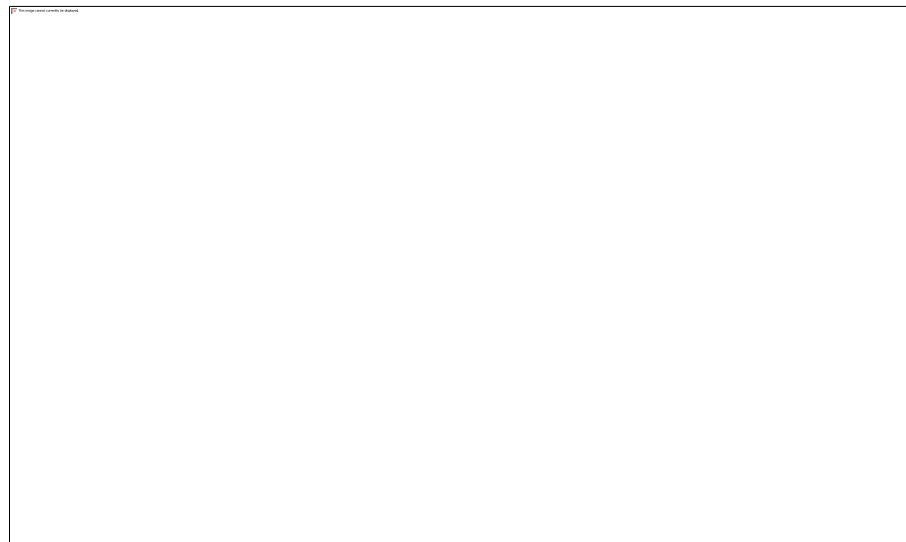
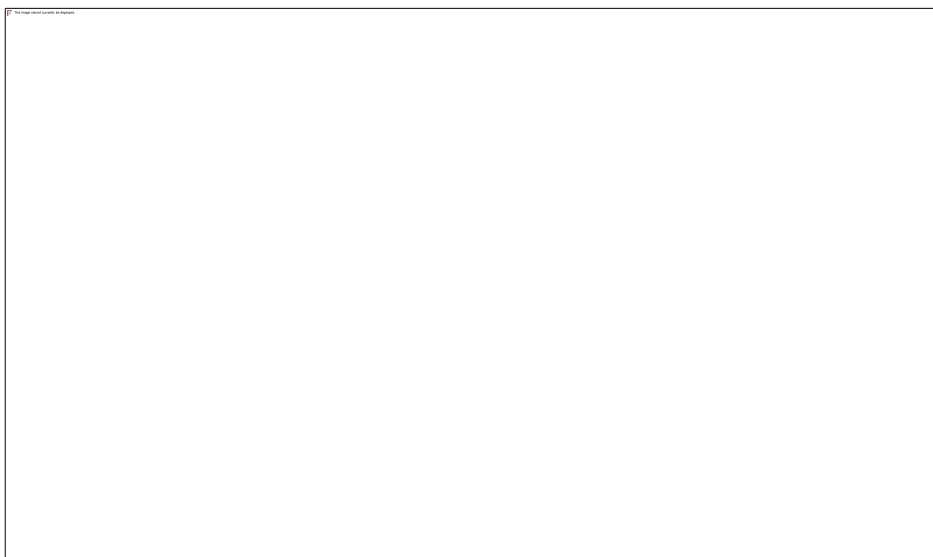
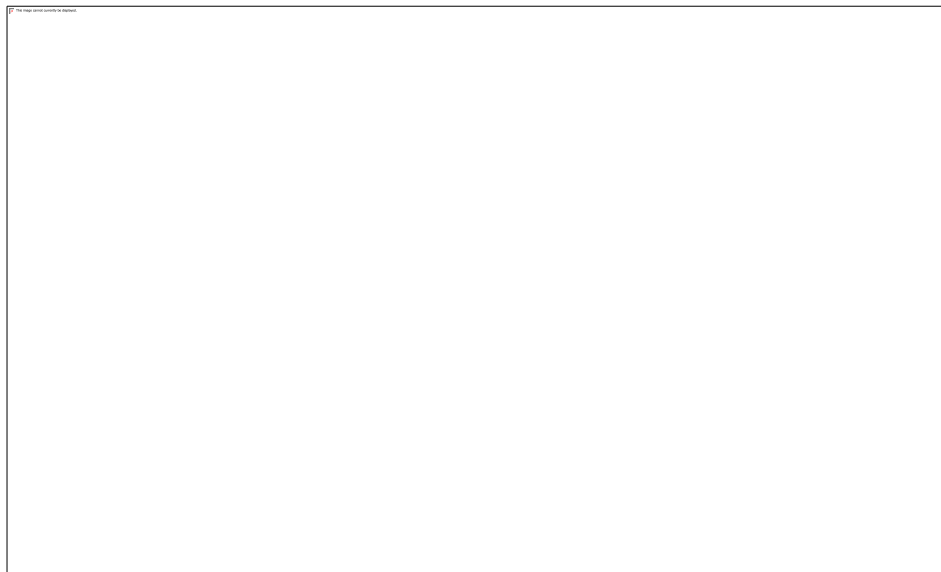
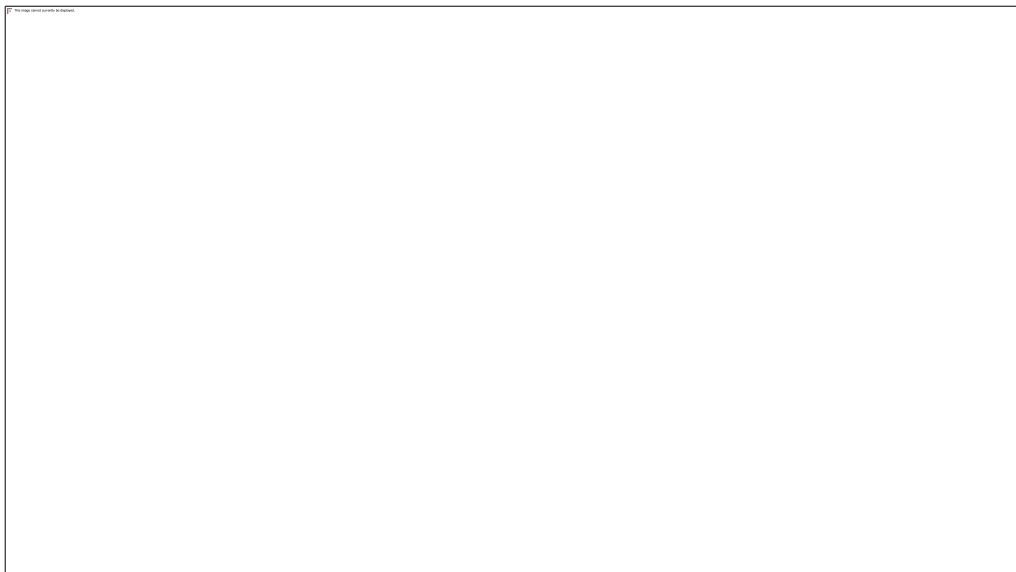
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**Appendix: Performance Data for Para 50**



<b>Rubbish &amp; Recycling Telephony Customer Satisfaction Ratings (Govmetric)</b>	<b>Q1 2023/24</b>	<b>Q2 2023/24</b>
Overall expectations met	67%	70%
Agent knowledgeable	69%	73%
Agent understood issue	71%	73%
Agent professional & courteous	70%	72%



## Background Papers

- Corporate Complaints Policy:  
[https://www.enfield.gov.uk/\\_data/assets/pdf\\_file/0015/4407/corporate-complaints-policy-your-council.pdf](https://www.enfield.gov.uk/_data/assets/pdf_file/0015/4407/corporate-complaints-policy-your-council.pdf)
- Adult Social Care Complaints Policy:  
<https://mylife.enfield.gov.uk/media/37287/adults-social-care-complaints-policy-november-2022.pdf>
- Children's Social Care Services: Comments, Compliments and Complaints Policy: [https://www.enfield.gov.uk/\\_data/assets/pdf\\_file/0012/6510/children-and-education-information-comments-compliments-and-complaints.pdf](https://www.enfield.gov.uk/_data/assets/pdf_file/0012/6510/children-and-education-information-comments-compliments-and-complaints.pdf)