

London Borough of Enfield

Overview & Scrutiny Committee

10th February 2022

Subject: Annual Complaints & Information Report

Cabinet Member: Cllr Nesil Caliskan

Executive Director: Fay Hammond, Executive Director of Resources

Purpose of Report

1. The Annual Complaints & Information Report was presented to General Purposes Committee on 13th January 2022. The same report is now presented to the Overview & Scrutiny Committee.
2. The report covers the period of **April 2020 to March 2021**.
3. The Committee is therefore referred to the annual report presented to GPC and is included as an appendix.

Main Considerations for the Panel

4. It is recognised that there are a number of improvements required to address long term challenges regarding reporting and responsiveness to complaints, FOIs (Freedom of Information) requests and MEQs (Member Enquiries). An improvement plan is in place that covers a range of activities set out below.

Service Improvements

5. Development actions are currently underway to improve the handling and organisational learning from complaints, MEQs and FOIs.
6. **Data insight:** generating better data insight to drive continual service improvement with service leads; in turn ensuring strengthening accountability.
7. **Processes:** guidance, training and templates are being reviewed and implemented to improve response quality and reduce demand failure.
8. **People:** reviewing structures and responsibility remits to identify more efficient models of service delivery.
9. **Technology:** developing replacement IT system for processing enquiries (CRM – Customer Relationship Management system) which will provide

enhanced digital capabilities increasing automation, data insight and improve reporting.

Annual Reporting – Planned Additional Insights

10. The following improvements will be implemented for future annual reporting:
 - a. Complaints, MEQs and FOIs: extent of late responses – volumes and length of time taken to respond
 - b. Complaints, MEQs and FOIs: enquiries with highest volumes
 - c. Complaints, MEQs and FOIs: 3-year trends analysis
 - d. Complaints: breakdown of complaint categories and volumes received
 - e. FOIs: learning from internal reviews (where requestor is dissatisfied with response) and additional information on ICO referrals (reasons and volumes)

11. Annual reports will be published for Q2 every financial year.

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Date of report 31st January 2022

Background Papers

The following documents have been relied on in the preparation of this report:

Ombudsman Annual Report 2020-21:

Although the Ombudsman is mentioned in the Annual Complaints & Information Report, a separate annual update is produced. 2020-21 Report was presented to the General Purposes Committee in October 2021, which can be found on p.219 via the following link:

<https://governance.enfield.gov.uk/documents/g13790/Public%20reports%20pack%2014th-Oct-2021%2019.00%20General%20Purposes%20Committee.pdf?T=10>

Appendix

London Borough of Enfield

General Purposes Committee

January 2022

Subject: Annual Complaints and Information report
Cabinet Member: Cllr Nesil Caliskan

Key Decision: N/A

Purpose of Report

1. The purpose of the report is to provide an overview on the annual performance of the complaints team, including the impact of Covid-19 in relation to both volume and response performance.

Proposal(s)

2. Proposed that the Committee note the performance of the Complaints team, and the effects of the Covid-19 pandemic on both incoming numbers of complaints and the ability to respond.

Relevance to the Council's Corporate Plan

3. The complaints and information process aims to resolve any issues or dissatisfaction experienced by resident in use of the Council's services, thereby helping to ensure that individual residents receive services in line with the Council's corporate plan and quality commitments, as well as delivering elements of the Council's statutory duties in regard to transparency and oversight.

Background

4. This report sets out the performance of the Council in Corporate Complaints and information requests (i.e. Subject Access Reviews and Freedom of Information requests) and Members Enquiries. The performance for FOIs, MEQs is reported quarterly to Cabinet as part of the performance reporting this includes a specific annex setting out an action plan to address timeliness of the responses for MEQs and FOIs which requires improvement.
5. The Council's Corporate Complaints policy provides the framework for ensuring that complaints received across the Council relating to corporate services are handled consistently, fairly and effectively. There are different processes for statutory appeals (parking, housing, council tax, benefits, school admissions, school exclusions etc.), school complaints and complaints concerning children's or adult social care. This report focuses on the

Corporate Complaints. The timescales for responding to complaints is 10 workings following the acknowledgement (sent within 3 working days); for more complex complaints the deadline is extended to 20 days. For second stage complaint the timescales for response are 30 working days from acknowledgement. The link to the document can be found here <https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/make-a-formal-complaint/>

6. There are Council policies for both Subject Access Reviews (SAR) and Freedom of Information requests (FOI) which provide a framework for officers to meet legal and corporate requirements in relation to information requests that fall within the scope of the legislation. These policies and can be found at the links set out below.

<https://new.enfield.gov.uk/services/your-council/subject-access-policy-and-procedure-your-council.pdf>

<https://new.enfield.gov.uk/services/your-council/freedom-of-information-policy-your-council.pdf>

Member enquiries timescales is 8 working days for response.

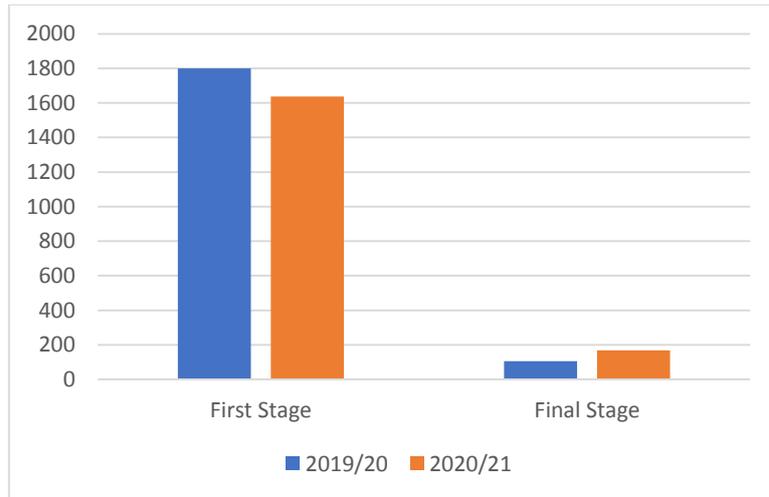
7. This annual corporate report covers the period 1st April 2020 to 31st March 2021. During this period the Covid-19 pandemic has impacted on both performance and volume of complaints. Reduced staffing levels, the need to reprioritise other services and an increase in issues raised by residents have generally affected responses across all areas.

Main Considerations for the Council

Complaints Summary

8. The complaints policy promotes early resolution of complaints, so we initially aim to address issues informally, however from July 2019, these are no longer logged in this way. If matters cannot be resolved locally with services, complainants may then progress matters through the formal complaint's procedure.
9. During 2019, the complaints process changed from a 3-stage process to a 2-stage process, we no longer have a recorded early resolution stage. Therefore, a higher number of cases would show as First stage during 2019, than in 2020/21. All complaints are logged under First Stage or Final Stage.
10. Overall 79.8% (1308 of 1638) of 1st stage complaints were completed within timescale; which is a slight drop on 2019/20 where 81% (1458 of 1800) First Stage complaints were completed within timescale.
11. The number of Final Stages in 2020/21 has increased by 64 cases compared to 2019/20, with 68.6% (116/169) completed on time, compared to 55.2% (58/105) completed in 2019/20.
12. The following chart shows a breakdown of completed complaints by stage for each year.

Figure 1: Annual breakdown of first & final stage complaints



	2019-20	2020-21
First stage	1800	1683
Final stage	105	169

Ombudsman contact

13. If a complainant remains dissatisfied, they can ask for the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman (HOS) to review the Council's final response.
14. During the 2020/21 reporting period, the LGSCO contacted the Council regarding 102 cases which has significantly increased in comparison to last year where the LGSCO contacted regarding 68 cases. This will also be impacted by COVID, when the LGSCO closed in March 2020, so several cases from the latter part of 2019/20 were not dealt with until 2020/21.
15. In 2020/21, the HOS made contact for 15 cases, which has dramatically decreased from the 49 in 2019/20; 4 of these 15 cases were progressed to a full investigation. One investigation was determined to be outside of the HOS jurisdiction, and one case was upheld in part. The remaining 2 have yet to be determined.
16. The HO and LGSCO both closed during the 1st Lockdown in March 2020 and slowly reopened during the summer of 2020. Therefore, decisions from the HO and LGSCO are taking longer for them to determine. As such we are unable to give a 100% reflection on the case outcomes at this time.
17. The outcomes of LGSCO cases for 2020-21 were reported to General Purposes Committee in October 2021. The LGSCO issued one Public Interest Report in 2020-21, which was reported to Cabinet as required by legislation.

18. The following chart provides a breakdown of ombudsman cases for this reporting period.

Figure 2: Breakdown of all 2020/21 Ombudsman cases

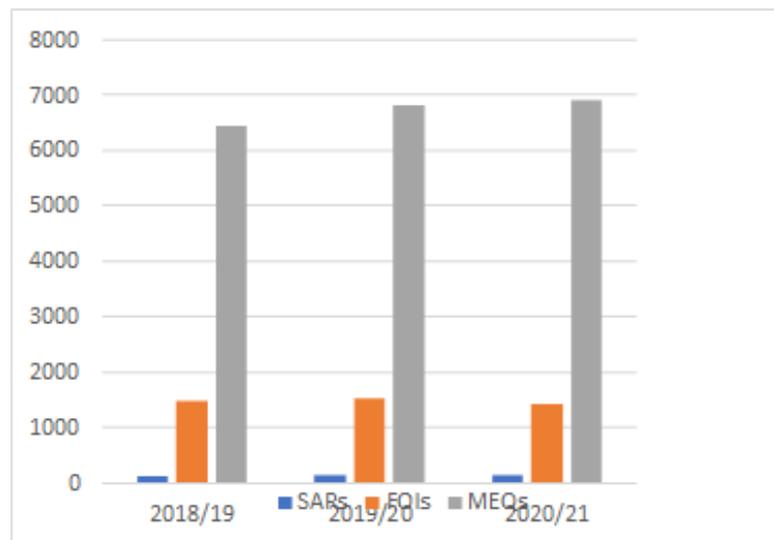
	Not Upheld	Upheld	Closed after initial enquiries	% of enquiries closed or not upheld	Total
LGSCO	3	17	82	83%	102
HO	*	*	11	73%*	15
<i>Total</i>	<i>3</i>	<i>17</i>	<i>93</i>	<i>82%</i>	<i>117</i>

*The 73% figure does not include the upheld Figures as the HO have not yet made a determination on 2 of the 4 investigated cases

Information Requests

19. The following chart shows a breakdown of the Subject Access Requests (SARs), Freedom of Information Requests (FOIs) and Member Enquiries (MEQs) each year.

Figure 3: Volume comparison of SARs, FOIs and MEQs



	2018/19	2019/20	2020/21	% change in enquiries prior year
SARs	103	139	139	0%
FOIs	1485	1521	1429	(6%)
MEQs	6432	6816	6911	1.3%

20. The following table summarises compliance with response timescales and shows improving performance; however, improvement is required to meet the timescales.

Figure 4: SARs, FOIs and MEQs response times

	2019/20	2020/21
SARs	81% (113 of 139)	82.7% (115 of 139)
FOIs	82.2% (1251 of 1521)	84.5% (1208 of 1429)
MEQs	80% (5454 of 6816)	84.9% (5870 of 6911)

21. During 2020/21 there were 50 FOI reviews completed (the escalation stage when a requestor is unhappy with the information provided in an FOI). This data was not previously recorded, however, based on the team's experience, there has been an increase compared to previous years.

Learning from complaints

22. The Council welcomes feedback about its services as this provides valuable information about customers' experiences of the services that they use. We publicise details of how to complain on the Council's website and in areas where the public has access.

23. Complaints are taken seriously, investigated and responded to with appropriate redress. The Council can address complaints in several ways, and, at times, it is appropriate for meetings to take place between the complainant and the relevant manager to facilitate resolution.

24. Feedback from complaints is used for organisational learning and reports on complaint themes. Complaint action points are identified and monitored to ensure that any practice or service improvements are implemented, and that information is shared across the Council. Improvement actions have been identified within the corporate process, including the update of templates to provide a more effective process and ensure information to service users is not duplicated.

25. Further development will arise through the introduction of Verint, a new case management system, which will include a dedicated section in each complaint to record learning, which can then be captured and reported to services. This will provide the opportunity to improve data quality which in turn will support easier identification of thematic issues by service type or location than the current system.

Actions taken from complaints

26. Apologies were given to all the complainants and learning from these cases has resulted in the following summarised actions:

- Apologies and information given to complainants
- Financial remedies

- Reminders, feedback, guidance and training given to staff
- Review of policies, procedures and systems
- Implementation of new procedures, practice and IT systems
- Updating of published information
- Adjustments of bills to customers
- Recruitment of more staff
- Reassessments of housing applications
- Appointments arranged for repairs and surveys

Quality Assurance

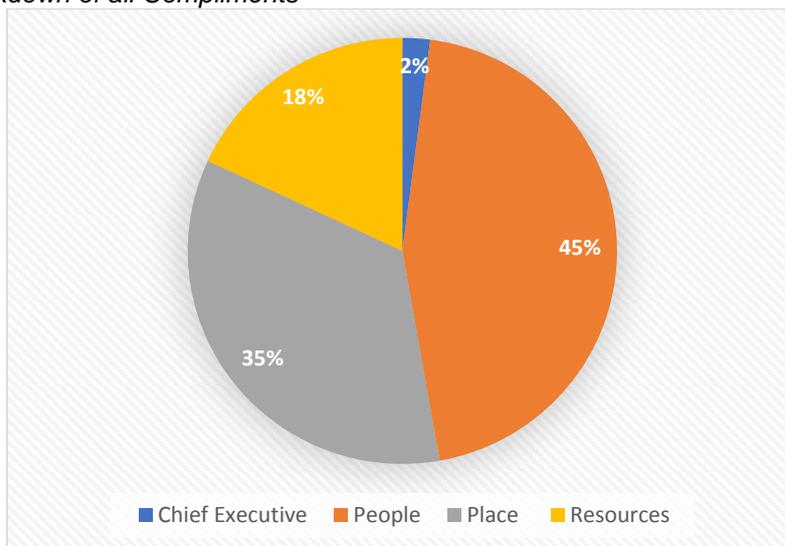
27. The Complaints Team have systems in place to ensure that response timescales are met. This includes sending reminders of the deadline for responses to the assigned managers; escalating to a senior manager if there is no response within the specified timeframe; reporting to Directors regularly and highlighting to staff the importance of compliance in training programmes. The Complaints Team also monitor and assist with complaint responses to ensure that standards are met, and all aspects of the complaint are addressed. The support offered by the Complaints Team includes:

- Quality checking responses
- Arranging and chairing complaint meetings
- Liaising with complainants regarding timescales and desired outcomes
- Identifying key themes from complaints, devising action plans and ensuring organisational learning is implemented
- Regularly providing management and performance information
- Service development to improve how we respond to and learn from complaints

Compliments

28. The Council welcomes compliments from its users. Compliments help to highlight good quality service and give staff encouragement to continue delivering service of the highest standard. The following chart shows a breakdown of the 144 compliments received across the Council. In November 2019, a link was added to the council website, enabling customers to raise a compliment centrally. These figures represent the compliments received via this link and compliments passed to the team from services. Therefore, there may be compliments that Services have received but not centrally logged.

Figure 5: Breakdown of all Compliments



Department	2020/21
Chief Executive	3
People	65
Place	50
Resources	26

Development plans

29. Key priorities for the year ahead are:

- a. Embedding staff structures into the team processes and cross-training across the department
- b. Progressing CRM development of new ICT systems including improving data analysis to be included from 2021-22 annual report
- c. Progressing the implementation of FOI Publication scheme
- d. Working with departments to improve compliance with response times
- e. Promotion of compliment recording centrally

Safeguarding Implications

30. There are no safeguarding implications.

Public Health Implications

31. There are no public health implications.

Equalities Impact of the Proposal

32. The report is for information, therefore there is no equalities assessment required.

Environmental and Climate Change Considerations

33. There are no considerations.

Risks that may arise if the proposed decision and related work is not taken

34. The proposal is to note the content of the report, therefore there is no decision carrying risk in either respect of being taken, or not taken. However, in the wider context, it is important that the complaints and information function is resourced and operates effectively. If it does not, then the Council will not comply with statutory requirements in regard to Freedom of Information and Environmental Information Regulations; it will not so-operate as required with the Local Government or Housing Ombudsmen; and it will not offer an effective way for residents to resolve issues with the Council's services, all of which could result in substantial reputational damage, as well as legal risks and award of compensation or fines.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

35. The main risks in the operation of the service are failure to adhere to deadlines for responses for internal complaints, leading to further dissatisfaction and more difficulty resolving issues; or failure to comply with the deadline requirements of oversight bodies, resulting in the award of compensation payments, reputational damage, and failure to address the concerns of residents. In this respect, a recent reorganisation of the team has been undertaken to distribute caseload more effectively, and resource has been allocated specifically to manage co-operation with the Ombudsmen and Information Commissioner's Office.

Financial Implications

36. Compensation is sometimes paid to complainants in respect of service issues accepted by the Council. This is paid on a case by case basis at the discretion of management reviewing the complaint.

Legal Implications

37. The following types of complaints should be dealt with under a statutory complaints process relevant to the legislative provision that is applicable : Children's services, Adult social care, including blue badge assessments, School admissions, exclusions and transport, Housing benefit and council tax, Homelessness, Standards and Member conduct and Parking and traffic offences.

38. If a complaint does not fall under a statutory process, then the non-statutory complaints process should apply involving the right people with the robust oversight of complaint handling at the right stage. They may include, the section 151 Officer, the Monitoring officer and the Chief Executive officer. Any complaints policy must comply with all relevant laws and in particular, the Public Sector Equality duty under the Equality Act 2010. The complaints policy should be open and accountable, ensure that all concerned act fairly and proportionately, put things right and all actions are entirely reasonable

and fair, with a procedure that is easy to follow. The outcomes from the complaints process ideally should be a learning experience to ensure matters do not happen again and this is where monitoring is essential with reports documented.

39. Early referral to the Ombudsman may be necessary for statutory complaints and reputational and financial risks should be brought to the attention of the Monitoring officer and other senior Executive council officers. In the event of a finding of maladministration under section 30(1) of the Local Government Act 1974, there is a specific requirement for that finding to be reported to a council's Members, and for a formal response to the that finding to be sent to the Ombudsman. The council's response must be sent to the Ombudsman within three months setting out the action that they have taken or propose to take, in response to the report. Section 5/5A of the Local Government and Housing Act 1989 places a requirement on every council's Monitoring Officer to prepare a formal report on all Ombudsman complaint decisions.
40. This report appears to set out the performance of the Complaints team with incoming complaints and responses, as portrayed above, particularly, in light of the effects of the Covid-19 pandemic.

Workforce Implications

41. There are no workforce implications.

Property Implications

42. There are no property implications.

Other Implications

43. There are no other implications.

Options Considered

44. There are no other options considered. The effective operation of the complaints and information service is essential in providing an effective service to residents and enacting the Council's statutory duties.

Conclusions

45. This report sets out an improved performance on prior years timescales, however, the timeliness of responses remains an area of improvement. The action plan identifies now includes timeframes for these improvements to be progressed.

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7 December 2021