

Manchester City Council Report for Information

Report to: Audit Committee – 15 October 2019

Subject: Annual Complaints, Enquiries and Information Compliance Report 2018/19

Report of: Deputy Chief Executive and City Treasurer, City Solicitor

Summary

This report presents the complaints, enquiries and information request dashboard, which sets out the Council's annual performance for 2018/19 in the management of corporate and social care complaints, Councillor and MP enquiries, as well as information requests. It also provides information on how the Council has used this information to influence service improvements.

Recommendations

Audit Committee Members are asked to note the report and the key messages in relation to the Council's performance in these areas of Complaints and Enquiry management service and legal compliance.

Wards Affected All

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1.0 Purpose of report

- 1.1 This report to members outlines the Council's performance in relation to a number of complaints and related metrics, as well as the performance management of information requests, during the course of the 2018-19 financial year.
- 1.2 Attached to this report at **Appendix 1** is the complaints and information request dashboard which covers data for the financial year 2018/19. Performance in responding to complaints is published regularly on the Council's website and can be viewed online at:
http://www.manchester.gov.uk/info/200025/complaints_comments_and_questions/4218/complaints_performance
- 1.3 In accordance with the Code of Practice issued under s.45 of the Freedom of Information Act 2000 ('the Act') the Council is planning to start publishing details of its performance on handling requests for information under the Act in the near future. The statistics will be published on the open data pages of the Council's website.

2.0 Complaints and Enquiries Management

- 2.1 Whilst the accompanying dashboard highlights performance for each measurable indicator in more detail, in summary, the table below shows the annual performance for 2018/19, when compared with previous years:

Period	Stage one complaints	Performance target 96% within 10 working days	Social Care	Performance target 96% within 20 working days	MP Enquiries	Performance target 96% within 10 working days	Ombudsman Enquiries	Performance target average response within 28 calendar days)
2014/15	1864	89%	314	55%	1321	82%	39	28 (26% upheld)
2015/16	1841	85%	220	70%	1331	80%	27	28 (44% upheld)
2016/17	2243	81%	285	80%	1537	83%	17	27 (10% upheld)
2017/18	2013	87%	343	81%	1545	76%	22	27 (44% upheld)
2018/19	2253	80%	305	84%	1577	83%	35	26 (22% upheld)

3.0 Performance Management of Corporate Complaints

3.1 Expected standard - 96% of Stage one complaints responded to within ten working days

- 3.1.1 The Council has received 2,253 Stage one complaints this financial year, which compares to 2,013 in 2017-18, an increase of 12%. This increase

entirely reverses the reductions in numbers of complaints seen in 2017/18 which arose as a result of reducing the complaints process from three stages to two.

- 3.1.2 The Neighbourhoods Service have seen the most pronounced increase in Stage one complaints received from the previous year at 45%; an additional 437 complaints. In fact, the Neighbourhoods Service received 62% of all Stage one complaints in 2018-19, a total of 1,401.
- 3.1.3 Highways Services transferred to the Neighbourhoods Service from the Corporate Core on 1 April 2018 and this has impacted upon the Neighbourhoods Service's performance for the 2018/19 financial year¹ This has been compounded by a substantial increase in complaints received relating to Highways and Parking, from 264 in 2017/18 to 639 in 2018/19 - an increase of 240%.
- 3.1.4 Children and Families has seen an increase in Stage one corporate complaints of 70 additional complaints, or 42%. This has taken their totals from 164 in 2017/18 to 234 in 2018/19. The biggest contributor to this was an increase of 37 corporate complaints for Children's Care and were for causes such as lack of communication with the service user. This increase is primarily due to a change in the rationale for the processing of those complaints; whilst they might be care related, when they are not raised on behalf of the child they are more accurately dealt with under the Council's own complaints procedure.
- 3.1.5 In comparison to the above, both the Corporate Core and Growth and Development saw substantial reductions of 31% and 30% respectively.
- 3.1.6 The Council as a whole is 16% from achieving its target for responding to complaints on time (96% within 10 working days), with a fall in performance of 7% on the previous year (from 87% to 80%). The most significant factor in this fall in performance is the 12% reduction in cases handled on time by the Neighbourhoods Service, predominantly caused by Highways Services' (including Parking and Bus Lanes which at the time did form part of this service). They have seen a drop in performance for Stage one complaints responded to on time from 77% in 2017/18 to 59% in 2018/19. Excluding Highways Services, the Neighbourhoods Service saw performance in this metric of 89%, 7% from target.
- 3.1.7 It is accepted that performance in relation to the number of Parking Services complaints responded to on time in 2018/2019 was unsatisfactory and there is still work to do to improve performance. The performance issues were due to a significant increase in demand and workload placed on the service for both parking and bus lane penalty charge notices, in particular, around the Oxford Road Bus Gate. This, along with backlogs in other areas of work, created capacity issues and prevented a number of responses being handled on time. On 1 April 2019, Parking and Bus Lane transactional services transferred from

¹ There has since been a further structural change with the Parking and Bus Lanes element of the previous Highways Service transferring back into the Corporate Core under the Director of Customer Services and Transactions.

the Highways Service to the portfolio of the Director of Customer Services and Transactions under the strategic leadership of the Head of Customer Services. Additional investment is currently being progressed and ratified to support an overarching improvement and transformation programme across the service which will include creating additional capacity.

3.1.8 Similarly, for Highways, the Manchester Salford Inner Ring Road (MSIRR) has brought comparable challenges in terms of volume of complaints received. To deal with this, resources have been reviewed, to ensure the service has enough capacity to manage the volume of complaints being received. This resulted in the creation of 13 new permanent posts, recruitment to these posts and a training and development programme. During this time, work also commenced to review business processes with a view to streamlining and improving the experience have of the Service.

3.1.9 Growth and Development saw a small reduction in the percentage of cases responded to on time, as well as a 30% reduction in cases received, from 124 to 87 cases. The Corporate Core saw a 30% fall in cases received, from 761 to 531, and a 1% improvement in cases responded to on time, making this the only directorate to hit the 96% target. Children and Families also saw improvements in the percentage of cases responded to on time, with a 14% improvement, despite a 42% increase in cases. The Council's Complaints Team has fostered a strong relationship with School Admissions who generate a significant number of corporate complaints for Children's Services, which ensures proactive deadline management and caseload monitoring, and this is reflected in the improvements seen over the last two years.

3.2 Expected standard - 10% of corporate Stage one complaints escalated to Stage two

3.2.1 Complaints escalated to Stage two are managed by the Council's centralised Complaints Team (Manchester Feedback and Complaints Service, based in Performance Research and Intelligence). This provides an independent review of how the complaint has been dealt with at Stage one, and provides the final opportunity to investigate before the complainant is referred to the Local Government and Social Care Ombudsman.

3.2.2 The Council as a whole has seen a 1% decrease in the proportion of complaints escalated to the final stage of the complaints process, albeit because of the larger number of complaints, this has translated into a slightly larger number of Stage two complaints overall, from 329 to 331. The escalation rate is within 5% of target, at 15%, which indicates that most complainants are satisfied with the investigation undertaken at Stage one.

3.2.3 In reviewing each Directorate's performance, both Children and Families and the Corporate Core have maintained their performance from 2017/18 at 13% and 14% respectively. The Neighbourhoods Service have seen a 3% reduction in escalated complaints, despite the very significant increase in the number of complaints received. The only Directorate to see an increase in the percentage of cases escalated to Stage two is Growth and Development,

however as Growth and Development receive a comparatively very small number of complaints (87 for the year when compared to Neighbourhoods' 1,401), their performance can be disproportionately affected by a small number of escalated cases.

3.2.4 As part of the transition to a two stage complaints process, the Complaints Team was granted the discretion to decline to investigate Stage two complaints where it is clear that a Stage two investigation will not bring about a different outcome or where the outcomes sought by the complainant are not reasonable or achievable. Examples of such cases include complaints of officer misconduct where there is no evidence beyond the complainant's and officer's accounts to allow an investigator determine which account is more accurate. In such cases, it is not possible to safely reach a finding as to what happened. In 2017-18 the Corporate Complaints Team declined to investigate 22 complaints and in 2018-19, the Corporate Complaints Team declined to investigate 14 complaints:

- Children and Families - 1
- Corporate Core - 4
- The Neighbourhoods Service - 7
- Growth and Development - 2

Each complainant received a detailed explanation as to why the Council did not believe further investigation would change the outcome of the Stage one response. In summary the reasons for the Complaints Team refusing to investigate further are set out below:

- Two conflicting accounts provided with no evidence as to which is correct (3)
- Laws, Regulations and Professional Legal opinions or concrete facts disputed (3)
- Historical case, already considered by LGSCO and Valuation Tribunal (1)
- Complaint process cannot achieve desired outcome (cancelling of PCN, resolving a civil dispute) (4)
- Despite assistance, Complainant unable to explain what they remained dissatisfied with from Stage one (2)
- Case subject to Legal proceedings (1)

Only one of these complainants escalated their complaint to the Local Government and Social Care Ombudsman, but this was not upheld.

3.3 **Expected standard - 96% of corporate Stage two complaints responded to within ten working days**

3.3.1 The total number of Stage two cases received is similar to the previous year, 329 in 2017/18 compared with 331 in 2018/19. Whilst in 2017/18, the largest distributions were in the Corporate Core (106) and Neighbourhoods (163), in 2018/19, the largest volume is by far with Neighbourhoods at 193, with the Core reduced significantly to 73.

3.3.2 The Council as a whole has seen a 4% fall in the percentage of Stage two complaints responded to within ten working days, taking this to within 20% of target at 76%. The Complaints Team will continue to proactively monitor internal deadlines and to pursue services for their responses to investigation questions. Where complaints cannot be responded to within ten working days, the Complaints Team will proactively notify the complainant to advise of the delay and offer a revised date when they should expect a full response. There will also be continued use of escalation procedures within services to prevent delays in meeting the response deadline, where the expectation is that senior managers (i.e. Head of Service or Strategic Directors) will become involved in progressing matters where there are delays.

3.3.3 The Neighbourhoods Service have usually had the majority of Stage two complaints but this proportion has grown substantially, from 49% (163) of all Stage two complaints in 2017-18 to 58% (193) in 2018-19. As set out above, 62% of all corporate Stage one complaints in 2018-19 were for the Neighbourhoods Service. In 2016-17, the Neighbourhoods Service received 58 Stage two complaints, which demonstrates how profoundly this metric has changed. Growth and Development has seen a modest increase in eight additional Stage two complaints this year, whereas Children and Families have seen a very small decrease of three Stage two complaints. The Corporate Core has seen a substantial fall in the number of Stage two complaints, falling by 31% over the course of the year, from 106 to 73. This is the result of the transfer of Highways from the Core at the end of the 2017-18 financial year to the Neighbourhoods Service and given the transfer of Parking Services back to the Core at the end of this financial year, it is likely that the increase in Neighbourhoods Stage two complaints will be partially returned to the Core. In all Directorates but the Neighbourhoods Service, the percentage of complaints responded to on time has modestly improved.

3.4 **Expected standard - 20% of corporate Stage one and two complaints upheld**

3.4.1 The Council has seen a modest decrease in the percentage of complaints upheld from 2017-18 to the last financial year, with a 3% decrease (41% down to 38%, against a target of 20%); however, the Complaints Team has emphasised that whilst it is important to be robust where the Council is not at fault, it is more important that investigations are thorough and non-defensive. This stance leads to a higher calibre of complaint response but also leads to an increase in the percentage of complaints being upheld.

3.4.2 The Neighbourhood Service have the highest percentage of cases upheld by a significant factor at 532 upheld or partially upheld cases (44%). This is 12% higher than the Corporate Core with 48 upheld or partially upheld cases (32%). This can be explained in part due to the nature of the service the Neighbourhood Service offers and the complaints received; specifically around failed bin collections, where there is limited scope for investigation and where it is often more expedient to accept that a failed collection is the result of crew error rather than residents' failing to present the bin. The Neighbourhood

Service have however seen a 1% decrease in the number of complaints upheld from the previous year.

- 3.4.3 Corporate Core has seen both a decrease in its complaints decisions and its percentage of upheld complaints. This is, in part, due to the transfer of Highways from the Corporate Core on 1 April 2018. As expected, this led to changes in the performance of both the Corporate Core and The Neighbourhoods Service. Children and Families have significantly improved their performance with a 10% reduction in the percentage of corporate decisions upheld despite a 35% increase in decisions made.

4.0 Performance Management of Councillor and MP enquiries

4.1 Expected standard - 96% of Councillor and MP enquiries responded to within ten working days

- 4.1.1 The Council's performance against this metric fell from 83% to 76% in 2017-18 and has now returned to 83% in 2018-19. The overall number of enquiries received is materially unchanged, with all Directorates but Children and Families showing only minor deviations in the number of enquiries received (1545 in 2017/18 compared with 1577 in 2018/19) and in the percentage of cases responded to on time (76% in 2017/18 compared with 83% in 2018/19). It is noteworthy that Children and Families have seen a 14% improvement in enquiries responded to on time, despite a 16% increase in the number of enquiries received. This is due to there being a more settled senior management structure, with significant support being offered by Senior Managers to support the Complaints Team's efforts to drive up performance and ensure that staff understand the importance of these enquiries. This approach is leading to notable improvements.

5.0 Performance Management of Social Care Complaints

5.1 Expected standard - 96% of social care complaints handled within timescale

- 5.1.1 Although legislation sets timescales for Children's Social care complaints (Stage one, maximum of 20 working days, Stage two, maximum of 65 working days and Stage three Review Panel, must be organised within 30 working days), Adult social care legislation does not, but states timescales must be negotiated with the complainant. That said, the Council aims to complete Adults complaint responses within 20 working days, in line with the process for Children's Services complaints.
- 5.1.2 Children's Services have seen a 1% increase in their performance on this metric, taking them to within 13% of target (at 83%). This has been supported by a 29% reduction in social care complaints received, which as noted earlier in this response, is because of more accurate recording of corporate versus social care complaints. Adults by contrast have seen a 21% increase in social care complaints received, due to an increase in concerns regarding residential and at home care, along with issues with communication between families and

professionals. Despite the increase in volume received, there is an 8% improvement in performance in the percentage handled within timescale (up from 78% in 2017/18 to 86% in 2018/19). This takes the Council's overall performance for social care responses to 84% against the previous year's performance of 81%.

5.2 Expected standard - 20% of social care decisions upheld

5.2.1 In 2017-18, the Council saw a noted improvement in the percentage of social care decisions upheld, seeing a fall from 43% to 32%. This has increased slightly in 2018-19 to 35% but remains 15% from target.

6.0 Performance Management of Local Government and Social Care Ombudsman (LGSCO) Enquiries

6.1 Expected standard - Local Government and Social Care Ombudsman enquiries responded to within 28 days

6.1.1 The Council received 35 enquiries from the LGSCO this year, an increase of 13 (59%) from the previous year. The Council has however improved its performance with regard to timely responses, with an average response time of 26 days to enquiries. The only Directorate not to meet this was Children's and Families, which had an average of 31 days. This was due in large part to a highly complex case that required the input of many services and partner organisations as well as detailed review of historic records. Additionally this was being considered over the Christmas/New Year period which introduced additional delays. This case therefore took 42 calendar days.

6.2 Expected standard - 10% of Local Government and Social Care Ombudsman decisions upheld

6.2.1 In 2017-18, the Council saw a marked increase in both the number of decisions made by the Ombudsman and the number of adverse decisions, taking the percentage of adverse decisions from 10% in 2016/17 to 43.5%* (26 decisions out of 62 were upheld) in 2017/18. The number of decisions received has continued to increase in 2018/19, from 62 to 81, however the percentage of upheld cases has nearly halved from 2017/18, and now stands at 22.2%, a total of 18 upheld decisions. Whilst still twice the target, this is good progress and the Complaints Team will seek to build on this success.

6.2.2 The Committee should note that the Ombudsman still records a complaint as upheld even where the Council has already acknowledged the fault and upheld it through our own complaints procedures.

6.2.3 However, in response to last year's challenging performance on this metric, the previous Audit Committee report highlighted a number of improvement areas to focus on, including more consistent application of remedies (including financial redress, and being more open with apologies), challenging the Ombudsman's findings where appropriate and development of robust learning action plans to prevent reoccurrence of faults.

6.2.4 This approach appears to have had some success; in last year's report it was highlighted that, of the 26 upheld decisions, there were lost opportunities to resolve cases through our own complaints process in 18 of them. This year, of the 18 upheld decisions, lost opportunities to resolve are evident in only 11 cases. A detailed breakdown of all upheld decisions, and where the Council considers there were lost opportunities to resolve cases is attached at **Appendix 2**.

6.2.5 Whilst the Council must accept that complaints may still be pursued with the Ombudsman, it is anticipated that consistent application of the Council's complaints remedy policy will continue to assist in reducing the number of cases where the Ombudsman upholds complaints, or adds to the remedies the Council has already proposed.

6.2.6 It should also be noted that the Ombudsman has more recently focused its attention away from measuring timescales of response towards the remedying complaints, and the Council's compliance with its recommendations, and has piloted a new way of measuring this, with an interactive map available on their website, showing comparisons with other authorities. In this, Manchester is shown to have the following performance highlights, which are an encouraging indicator of performance when compared with similar authorities:

- 55% of complaints investigated were upheld², compared with an average of 61% in similar authorities
- in 100% of cases, they were satisfied the Council had successfully implemented their recommendations, compared with an average of 99% in similar authorities
- in 29% of upheld cases they found the Council has provided a satisfactory remedy before the complaint reached the Ombudsman, compared with an average of 14% in similar authorities

6.2.7 The interactive map can be found at:

<https://www.lgo.org.uk/your-councils-performance/manchester-city-council/statistics>

7.0 Learning from complaints

7.1 Low risk cases - Learning

7.1.1 This year has seen a 13% increase in learning from complaints across the Council which is considered to be low risk, which indicates better recording of learning from complaints. The predominant cause of learning in these cases is recorded as a failure to follow processes or procedures and these have been remedied by staff briefings, one to one discussions with staff and by changing

² Note: this percentage does not match the Council's metric* (43.5% upheld - see 5.21 above) due to different methods of recording. The Council records complaints where the Ombudsman does not investigate as 'not upheld', whereas they record these separately.

procedures. Staffing levels and workload reviews are also used to remedy these learning points.

7.2 Critical Learning and Learning Action Plans

7.2.1 Where complaints are received that are a concern in terms of risk and impact on the complainant, a *Learning Action Plan* will be developed and monitored by the Corporate Complaints Team, working with the service manager, to secure ownership and commitment to the actions and timescales. Once the plan is signed off as completed, the key actions and learning outcomes will be shared in a communication bulletin across the service, and beyond if necessary, to ensure that the impact of the learning improves practice and performance in the future.

7.2.2 This year has seen a further reduction in critical learning points, from 25 in 2016-17, 22 in 2017-18 and 18 in 2018-19. Children and Families had the highest number of points at 10 and primarily related to issues within social care cases. Actions have been recorded against each of these critical learning cases and the Corporate Complaints Team continues to monitor compliance with these actions.

7.2.3 A total of 13 Learning Action Plans have been launched in 2018/19:

- Children's: 6
- Adults: 2
- Core: 1
- Neighbourhoods: 3
- Strategic Development: 1

7.2.4 Actions in a number of these learning plans resulted in changes to processes or procedures, examples of which are set out below:

- Changes in the wording of Penalty Charge Notices to make it clear that any payment received within 28 days will remove the recipient's right of appeal as well as make it clear that if recipients make an appeal which is rejected, they will still have 14 days to make a payment at the reduced rate (Parking Services)
- Changes to the Free Travel to school policy to state that where a child in receipt of a free travel pass, if their personal circumstances have not changed, this will be renewed without assessment (Children's Services)
- Referrals to the Transition Planning Team will always result in a joint visit to families between Children's and Adults' social workers to walk families through the process of transfer between services. There will also be a statutory review for those young people subject to education and health care planning. (Adults and Children's Services).
- A formal annual review of the Council's Code of Practice for Enforcement Agents (Parking Services).
- The development of a dedicated Highways Hub to monitor and ensure responses are sent to all reports, correspondence, complaints and social media communications (Highways Services)

7.2.5 Learning Plans also recorded themes around training, development and actions taken with staff, some examples of which are below:

- Lessons learned have been shared Adult Social Care and Adults Finance Departments regarding a case where a person lost capacity and the Council did not then involve the person's adult child in decision making. As a result, arrears accrued on their account (Adults Services)
- A reflective learning session was held with a number of teams to discuss a case where there were delays in making contact and to discuss the impact this had upon the family, in order to prevent a reoccurrence of the issues (Adults Services)
- Managers have reminded staff that they need to ensure that contact arrangements between young people and their families are monitored and supported (Children's Services)
- Managers have reminded staff to ensure that there are detailed records kept on Looked After Children documentation and foster carer reviews of any agreed financial arrangements, such as pocket money and travel costs (Children's Services)

7.2.6 It is clear that the process of learning and developing actions to prevent reoccurrence of the fault is a beneficial process for the Council and that these actions demonstrate there have been a number of key changes to services and development areas for staff as a result of complaints.

8.0 Praise

8.1 Praise recorded for employees has decreased by 14% across the Council, from 663 to 573. Praise remains highest for Children and Families, however the Neighbourhoods Service has seen increases in praise recorded. **Appendix 3** highlights some examples of praise received this financial year.

9.0 Freedom of Information and Data Protection Act requests

9.1 Expected standard - 90% of Data Protection Act requests responded to within 40 calendar days

9.1.1 The Council has received the same number of DPA requests in 2018-19 as in the previous financial year, however the percentage of cases responded to within deadline has fallen from 93% to 89%, just below target. The 90% target has been met on this metric in all but Children and Families, which saw a 41% increase in requests but a 2% fall in requests responded to on time.

9.2 Expected standard - 90% of Freedom of Information Act requests responded to within 20 working days

9.2.1 There has been a 24% increase in FOIA requests received, which has contributed to a 4% fall in the number responded to on time. Only Corporate Core met this target at 92%. The Neighbourhoods Service has seen a marked

fall in performance at 14%, however it should also be noted that they have received 69% more requests than in 2017-18.

10.0 Conclusion

- 10.1 Members are asked to note the Council's performance in managing complaints and enquiries in 2018/19, along with the positive contribution that complaints information is making to service improvement and the actions to improve this further.
- 10.2 Members are also asked to note the key messages that are emerging in relation to the management of information requests
- 10.3 Strategic Directors are asked to take responsibility for sharing their own performance dashboards with their associated Executive Member on a quarterly basis.

11.0 Recommendations

- 11.1 The recommendations appear at the front of this report.