

## **Manchester City Council Report for Information**

**Report to:** Audit Committee – 23 November 2021

**Subject:** Risk Review item: Governance and Management of Complaints and Information Requests 2020-21

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

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### **Summary**

This report presents the complaints, enquiries and information request dashboard, which sets out the Council's annual performance for 2020/21 in the management of corporate and social care complaints, Councillor and MP enquiries, as well as information requests.

### **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.

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**Wards Affected:** All

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## 1.0 Purpose of report

- 1.1 This report to members outlines the Council's management of complaints and related metrics, as well as information requests, during the course of the 2020-21 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 2020-21.
- 1.3 Committee are asked to note that, during 2020/21, the overall levels of stage one complaints received was comparable to the 2019/20 year, but there was a very different pattern with much larger volumes received in later quarters than the first quarter. The timeliness of responding to complaints has fallen below previous levels and our targets, but this is due to several specific factors during the year that are unlikely to impact as significantly in future years. This includes the impact of COVID-19 on staff and services, and the introduction of a new complaints system that has proved challenging to adopt effectively during the pandemic. Adult social care received a six-fold increase in the number of social care complaints received, influenced significantly by COVID-19 and associated service changes.
- 1.4 There was an increase in Freedom of Information requests and a significant number of Ombudsman enquiries, despite the Ombudsman suspending their casework for a period of the year.
- 1.5 Positive areas to note include a high number of instances of praise, fewer complaints were escalated from stage one to stage two, and a lower proportion of complaints, included those handled by the Ombudsman, were upheld.

## 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 2020-21, when compared with previous years.

| Period  | Stage 1 complaints | Responded to within 10 working days | Social Care | Responded to within 20 working days | MP enquiries | Responded to within 10 working days | No of Ombudsman Enquiries | Average no of days to respond and % upheld |
|---------|--------------------|-------------------------------------|-------------|-------------------------------------|--------------|-------------------------------------|---------------------------|--|
| 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)                            |

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|---------|--------------------|-------------------------------------|-------------|-------------------------------------|--------------|-------------------------------------|---------------------------|--|
| 2018/19 | 2253               | 80%                                 | 305         | 84%                                 | 1577         | 83%                                 | 35                        | 26 (22% upheld)                            |
| 2019/20 | 2140               | 74%                                 | 162         | 72%                                 | 1723         | 76%                                 | 20                        | 26 (18% upheld)                            |
| 2020/21 | 2103               | 58%                                 | 411         | 54%                                 | 1827         | 73%                                 | 38                        | 21 (14% upheld) <sup>1</sup>               |

2.2 2020-2021 has been a challenging year as we responded to the pressures of the Covid-19 pandemic. The Council also changed how we record and manage complaints and moved over to a new system, Infreemation, based on a workflow process, rather than relying on email transactions. This has required a period of adjustment as staff adapt to a new way of working.

### 3.0 Performance Management of Corporate Complaints

#### 3.1 **Stage one complaints. Expected standard - 85% of Stage one complaints responded to within ten working days**

3.1.1 The Council received 2,103 Stage one complaints in 2020-21, compared to 2,140 in the previous year. The year began with a very marked drop in complaints received in Quarter one, during the first period of the first lockdown, but as the year progressed and services became more disrupted, this increased until the year as a whole was only 1% fewer complaints than the previous year. The percentage of complaints responded to on time suffered, dropping by 16 percentage points, from 74% in 2019-20 to 58% in 2020-21. There were three main factors influencing this. First, the emergency redeployment of staff across a number of services to support corporate priorities arising as a result of COVID, which meant reduced capacity for dealing with complaints. Second, the Council introduced the new complaints management which went live on 1 June 2020. Given the lockdown, and its associated disruption, this meant that plans to roll training out across the Council could not be deployed as planned. There was therefore a steeper than anticipated learning curve on a corporate level for this software. Third, there were significant staff absences within the Complaints team itself which led to reduced capacity to process complaints for response by services, monitor their deadlines and chase responses.

3.1.2 The Neighbourhoods Service has seen an overall increase in complaints received of 12%, 1249 Stage one complaints in total, from 1092 the previous year. Initially complaints to the Neighbourhood Service reduced markedly as lockdown meant residents spent more time indoors and did not use roads or services. As time progressed and lockdowns were relaxed, complaints

<sup>1</sup> See section 6.2.6 for an explanation as to why this differs from the Ombudsman's recording of this metric.

regarding issues such as the standard of roads increased in line with the level of lockdown relaxation. It was also noted that Biffa complaints increased substantially as a result of a number of factors; as more people stayed at home, they generated more waste at home and this led to some issues, such as bin trucks filling up and crews needing to temporarily abort collections whilst they emptied. Bin crews were also disproportionately affected by COVID isolation rules and this too affected collection reliability. This combination of factors took Biffa's complaints from 47 in Q1 to 203 in Q2. Biffa's responsiveness has however improved markedly, from a rate of 42% in Q1 to 76% in Q4 and with the excellent working relationship between Biffa and the Complaints Team, we anticipate that this rate will continue to improve.

- 3.1.3 The Corporate Core saw a reduction of 16% in its annual complaints, from 623 to 524 the previous year. Again, in the first quarter, the number of complaints dropped quite markedly, but with the introduction of COVID grants for businesses, managed by the Revenues Service, there was a significant number of complaints from businesses deemed to be ineligible for grants. These rose from 18 in Quarter 1 to 121 in Q4. Similarly, Parking complaints increased as the city reopened, from 17 complaints in Q1 to 81 in Q4.
- 3.1.4 It should be noted that corporate complaints relating to Children and Adults are different to social care, and are focussed around a small number of services, e.g., School Admissions, Special Educational Needs provision, Homelessness or Adults Finance.
- 3.1.5 The Directorate for Adults saw a drop of 55% in its corporate complaints, from 166 to 75. The decrease in Adults corporate complaints could be attributed to the global pandemic, the successful "Everyone In" Homelessness project alleviating street homelessness and also the pause in evictions may have reduced homelessness complaints. There was a general tolerance from citizens that the services had to adapt to keep citizens safe and customer facing services were reduced.
- 3.1.6 Children's Services by contrast saw a drop of 21% in complaints, from 203 to 160. It is not as straightforward to identify why there was a decrease in Children's corporate complaints although it could also be attributed to the pandemic, in that there was a change in how support was delivered to children with EHC Plans. Although there would have been concerns raised, these were dealt with through the schools, rather than as a complaint to the local authority. Also, expectation around responses from services changed as people generally accepted there would be some delay caused by new working arrangements.
- 3.1.7 Strategic Development saw the greatest increase, albeit from a low base, almost doubling, from 56 in 2019-20 to 95 in 2020-21. There has been a larger number of complaints relating to Strategic Housing, 23 in 2020-21 compared with 12 in 2019-20 and although most of these could be directed to the correct Housing Association, some did require input from the Strategic Housing Team.

3.1.8 The Council as a whole is 27% from achieving its target for responding to complaints on time (85% within 10 working days), with a fall in performance of 16 percentage points on the previous year, from 74% to 58%. The most significant factor in this fall in performance is the 13% reduction in cases handled on time by the Neighbourhoods Service and the 16% reduction in cases handled on time by the Corporate Core. The main factors are outlined above i.e. COVID-19 and the introduction of the new complaints management system. The impact of these factors on timeliness has reduced more recently. Whilst complaint numbers remain high, with ongoing difficulties with Business Rates grants and bin collections particularly frequent sources of complaint, the percentages responded to on time in the final quarters of this year were markedly improved. Subsequent data from 2021-22 shows a continuing improvement with provisional response rates in the 70-75% range.

3.2 **Complaints escalated to Stage two. Expected standard - 15% 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 (based in Performance Research and Intelligence - PRI). 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 2% decrease in the proportion of complaints escalated to the final stage of the complaints process, from 16% in 2019-20 to 14% in 2020-21, meeting the target of 15%. This reflects that most complainants are satisfied with the investigation undertaken at Stage one.

3.2.3 In reviewing each Directorate's performance, Neighbourhoods have maintained their performance from 2019-20 at 13%. Adults have seen a marked increase, from 5% to 21%, whilst Children's Services have seen a small increase of 3% (6% in 2019-20 to 9% in 2020-21), but remaining well within target. The Core has had a higher percentage of cases escalated to Stage two in previous years but have also achieved more significant reductions in the percentage of cases escalated, falling by 11%, from 27% to 16%. Growth and Development saw their cases escalated to Stage two fall by 1% (from 25% to 24%).

3.3 **Responding to stage two complaints. Expected standard - 80% of corporate Stage two complaints responded to within ten working days**

3.3.1 The total number of Stage two cases received has decreased markedly from the previous year from 344 to 292, in large part due to the overall reduction in complaints seen in the first quarter of 2021. The largest distributions were in the Corporate Core (82) and Neighbourhoods (157). The Core saw a significant reduction on the previous year's complaints, with 88 fewer Stage two complaints, but this again appears to be a return to more normal

complaint volumes; the Core receiving 73 Stage two complaints in 2018-19.

- 3.3.2 By virtue of having the largest volume of service touchpoints with residents, the Neighbourhoods Service have usually had the majority of Stage one and two complaints. This proportion has grown substantially in this period, from 38% (131) of all Stage two complaints in 2019-20 to 54% (157) in 2020-21. This is however in approximate alignment with the proportion of Stage one complaints received, i.e., 59% of all corporate Stage one complaints in 2020-21 were for the Neighbourhoods Service. Growth and Development has seen a modest increase in nine additional Stage two complaints this year, albeit from a low base, whereas Children Services have seen a single additional Stage two corporate complaint and Adults have seen no change in the number of Stage two corporate complaints. The Corporate Core has seen a substantial fall in the number of Stage two complaints, more than halving over the course of the year, from 170 to 82. In part, this reduction is due to a substantial fall in Stage two complaints against Parking Services, from 49 to 22 and a drop in Council Tax complaints from 37 to 17.
- 3.3.3 The Council as a whole has seen a 43% fall in the percentage of Stage two complaints responded to within ten working days. There are a number of contributing factors contributing to this, some already explained at some length previously in this report, i.e., the new complaints management system and the difficulty conducting investigations when officers are managing new and different pressures as a result of COVID19 and who therefore have less capacity to respond to requests for information.
- 3.3.4 Additionally, there were some staffing absences within the Complaints Team, which not only impacted the processing of complaints (i.e., allocation to services for response) but also meant reduced capacity to monitor deadlines, chase services for responses, deal with incoming queries on the complaints and then most importantly, challenge services to ensure the Stage two response was fit for purpose; this ultimately meant a number of Stage two cases missed the deadline. Whilst overall capacity in the Team has had to be reduced as part of budget cuts and a service re-design, it is anticipated that next year's performance will show considerable improvement as the workflow management of Infreemation assists the Complaints Team with the tasks detailed above.
- 3.3.5 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 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.
- 3.4 **Stage one and two complaints upheld. Expected standard - 40% 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 2019-20 to 2021-21, with a 9% decrease (37% down to 28%, against a target of 40%); 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 number of cases upheld by a significant factor at 488 upheld or partially upheld cases (35%), against the 1411 cases received. This is 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 7% decrease in the proportion of complaints upheld from the previous year.
- 3.4.3 Corporate Core has seen both a decrease in its complaint decisions and its percentage of upheld complaints, from 623 to 608. As noted above, this is, in part, due to the reduction in people travelling into the city and incurring parking penalties.
- 3.4.4 Adults have significantly improved their performance with a 12% reduction in the percentage of corporate decisions upheld, from 41% to 29%. This also reflects the reduction in corporate complaints at both Stage one and two from 147 to 91.
- 3.4.5 Children Services have also seen significantly improved their performance with an 11% reduction in the percentage of corporate decisions upheld, again with a drop in corporate complaints at Stages one and two from 207 to 176. Every Directorate achieved target against this metric.

#### **4.0 Performance Management of Councillor and MP enquiries**

##### **4.1 Responding to Councillor and MP enquiries. Expected standard - 85% of enquiries responded to within ten working days**

- 4.1.1 The Council's performance against this metric is largely consistent with the previous year, with a fall of 3% responded to on time, but with a 6% increase in enquiries received. This does compare favourably to previous years' performance in 2018-19 of 83% and 76% in 2017-18. Whilst the overall number of enquiries received is only slightly different, these have been assigned very differently to services which again reflects the significant changes COVID has brought to our lives and the new types of problems that residents sought assistance for. Adults have seen 228 fewer enquiries but have responded to 9% fewer on time. Children's Services have seen 88 fewer enquiries, whilst the Corporate Core has seen a 73% increase on the previous year but responded to 2% more enquiries on time.

## **5.0 Performance Management of Social Care Complaints**

### **5.1 Responding to Social Care complaints. Expected standard - 80% 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 social care complaints.
- 5.1.2 Children's Services have seen a 11% decrease in their performance on this metric, taking them to within 21% of target (at 59%). This has been exacerbated by a 23% increase in social care complaints received. The decrease in performance will have been impacted by the change in working arrangements due to the pandemic, both within the service and the Complaints Team.
- 5.1.3 Adults by contrast have seen a significant increase in social care complaints received, with nearly six times as many recorded as in the previous year, and with a 24% fall in complaints responded to on time. There are a number of factors that will have driven up the number of social care complaints. Services have had to drastically change how they worked, and often face to face meetings or assessments could not be facilitated due to COVID which caused some anxiety. The focus was on the safety of the citizens. Many services were reduced. There were also difficulties in accessing commissioned services such as home care and residential/ respite care due to them not taking on additional clients. Natural support also broke down when the Government advised people to shield, with many people who were supporting family members no longer able to do so. This led to citizens needing reassessments and seeking support from social services, which put an increased demand on the service. We did not see the flow in Adult Social Care complaints reducing during the financial year, either, 19 (Q1), 81 (Q2), 58 (Q3) and 98 (Q4), so there was little evidence of residents/ staff being able to adapt to the changes brought by the pandemic in this financial year. However, preliminary figures for Q1 and 2 of this year (2021-22) show numbers of 68 and 44 respectively being received, so this may reflect some return to normal following the pressures of dealing with the pandemic.

### **5.2 Social Care complaints upheld. Expected standard - 40% of social care decisions upheld**

- 5.2.1 The Council saw a noted improvement in the percentage of social care decisions upheld, seeing a fall from 30% to 20%, more than achieving target.

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



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

6.1.1 The Council received 37 enquiries from the LGSCO this year, a marked increase from the 20 cases recorded in previous year, but more in line with previous years. The Council's performance with regard to timely responses appears to show that performance has decreased at 21 days instead of 26 in the previous year, and remains well within target of 28 days. There were pressures in the final quarter of the year for both Adults and Children's Services, due to a series of complex cases that required more detailed input and working with partner organisations to provide a comprehensive response to the Ombudsman's enquiries, however, for the year as a whole, all services hit the 28-day target.

6.2 **Local Government and Social Care Ombudsman decisions. Expected standard - 30% of Local Government and Social Care Ombudsman decisions upheld**

6.2.1 It should be noted that whilst the Council received 37 enquiries, it received 73 decisions; in some cases, the Ombudsman has sufficient information from casefiles or from complainant submissions to make a decision on the case. The percentage of cases upheld fell by 4% across the year with 22 fewer decisions received this year. This fall is due to the Ombudsman not investigating cases, nor accepting new complaints, between March and June 2020 in order not to burden Councils in their efforts to support their residents and enact COVID measures. This did not preclude the Ombudsman issuing final decisions on cases that it had already investigated or where no investigation was deemed necessary. The only service to see an increase in the percentage of upheld complaints was the Core and this was due to one Business Rates case and one Parking case. The Council has more than met target on this metric, with every service meeting target.

6.2.2 It should be noted that the Ombudsman still records a complaint as upheld even where the Council has already acknowledged the fault and upheld it through our own complaint procedures.

6.2.3 In response to previous year's challenging performance on this metric, previous annual reports have 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 continues to work well, with the LGO finding that our Council had already provided adequate remedies in 29% of cases that the LGO subsequently upheld. Although low, it compares very favourably to an average of 11% in similar authorities.

6.2.5 Whilst the Council must accept that complaints may still be pursued with the Ombudsman despite our best efforts, 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 The Ombudsman has more recently focussed its attention away from measuring timescales of response towards the remedying complaints, and the Council's compliance with its recommendations, and reflects 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:

- 64%<sup>2</sup> of complaints investigated were upheld, compared with an average of 72% in similar authorities
- in 100% of cases, they were satisfied the Council had successfully implemented their recommendations, compared with an average of 100% 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 11% in similar authorities

6.2.7 The interactive map can be found at:

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

## 7.0 Praise

7.1 There were 383 instances of praise recorded this year:

| Directorate                       | Instances of praise |
|-----------------------------------|---------------------|
| Adults Services                   | 100                 |
| Children's and Education Services | 205                 |
| Corporate Core                    | 23                  |
| Growth and Development            | 8                   |
| Neighbourhoods                    | 47                  |
| <b>Total</b>                      | <b>383</b>          |

## 8.0 Freedom of Information and GDPR requests

8.1 **Responding to GDPR requests. Expected standard - 90% of GDPR requests responded to within one month**

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<sup>2</sup> Note: this percentage does not match the Council's metric (14% of Ombudsman enquiries upheld) due to different methods of recording. The Council records complaints where the Ombudsman does not investigate as 'not upheld', whereas they record these separately.

8.1.1 The Council has received a significantly larger number of DPA requests in 2020-21 from the previous financial year, however the percentage of cases responded to within deadline has increased from 60% to 80%, just below target. The 90% target has been met on this metric by Neighbourhoods and Growth and Development, and is markedly improved in the Core, with a doubling of responses sent on time. Children and Families, although still some way from target, also saw a 30% increase in responses sent on time, despite a 45% increase in requests received. Performance was hindered as a result of the COVID19 lockdowns, due to the need to focus capacity on the delivery of business critical activity related to safeguarding, as well as delays in accessing paper files from archive during periods of lockdown.

8.2 **Responding to FOIA requests. Expected standard – 90% of Freedom of Information Act requests responded to within 20 working days**

8.2.1 There has been a 40% increase in FOIA requests received, which has contributed to a 31% increase in the number responded to on time. No service met the target of 90% however all services saw substantial improvements in their performance. The Council as a whole is 12% from target.

**9.0 Recommendations**

9.1 Audit Committee are asked to note the Council's performance in managing complaints and enquiries in 2020-21, and are asked to note the key messages that are emerging in relation to the management of information requests