

# THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

## IMPROVING THE ORGANISATION BY LEARNING FROM COMPLAINTS – ANNUAL REPORT

### REPORT BY THE DIRECTOR OF CUSTOMER ACCESS

#### 1. INTRODUCTION

- 1.1 This report provides the annual commentary on learning points from complaints received by departments between April 2016 and March 2017; and the annual report from the Local Government Ombudsman for 2015/16 and 2016/17.
- 1.2 The information in **Appendix A** of the report sets out lessons learnt by each department and improvements made to service delivery where necessary.

#### 2. COMPLAINTS PROCESS

2.1. The Council's corporate complaints process comprises:

- An informal stage: users are advised to raise their concerns with a Council officer directly either face-to-face, by telephone, email or in writing. Most matters are resolved at this stage.
- Stage One: if unhappy with the response to the informal complaint, users are advised to tell the officer they are dealing with that they wish to take the complaint further. An online complaints form can also be completed, and sent to the relevant department. It is the responsibility of the department to process the complaint. The users should receive a reply within 15 working days.
- Stage Two: if the users are unhappy with the response received after Stage One, the user can request that the complaint is escalated to the head of service. The head of service will investigate further and respond within 15 working days.
- Stage Three: if the user remains unhappy the complaint can then be escalated to the Director or Executive Director for review. The user will receive a response within 15 days.
- Local Government Ombudsman: if the user is unhappy with the response to the previous stage, the final part of the process

involves referral of the user by the Council to the Local Government Ombudsman. The Ombudsman will investigate complaints that fall within their remit which have been through the process outlined above but have not yet been resolved.

- 2.2. The majority of Council services follow this process. However, statutory social care complaints processes are in place within both Tri-borough Children's Services and Adult Social Care. These follow the same number of steps as the corporate process but involve different activities to those outlined above.
- 2.3. Within Children's Services, users are offered an interim stage between Stage One and Two, during which Children's Services staff will facilitate a resolution meeting where the user and Council officers involved are invited to meet to discuss issues face to face. Figures for the number of complaints which are resolved at this stage are not monitored, and so are not available for this report. Stage Two within this process is the investigation stage. This involves an independent investigation which is due to respond to the user within 25 working days. Stage Three convenes a review panel which consists of three independent people who produce a recommendation and a written report which is sent to the user, those who have been involved in the complaints process and the relevant Director for review. The Director then has 15 days to provide a written response to the complainant.
- 2.4. In Adult Social Care (ASC) the complaints process is slightly different whereby the regulations issued by the Department of Health gives users the right to take their concerns to the Ombudsman after the first response provided by the service.
- 2.5. In the majority of cases the Ombudsman will not investigate a complaint before the Council has had a reasonable opportunity to investigate and respond to it: it is expected that users exhaust all stages of the Council's process before the case is investigated by them. The Ombudsman may refer the user back to the Council. However, there are a number of exceptional conditions where the Ombudsman will consider earlier involvement. These include instances where the subject of the complaint means that the matter is urgent, cases where it is decided that completing the Council's procedure would be detrimental to the individual concerned, or if the individual's circumstances indicate a need for priority.

### **3. APRIL 2016 – MARCH 2017 COMPLAINTS DATA**

- 3.1. Table 1 on page 5 shows the number of complaints that were received and resolved at each stage of the complaints process. Entries related

to the previous year have been retained to provide comparison.

- 3.2. Overall there has been a slight decrease in the number of Stage One complaints received in 2016/17 compared to 2015/16, of 3.7 per cent, or 18 complaints. However, the proportion of complaints that escalated to Stage Two increased by 19 complaints (47.5 per cent) and the Stage Three complaints also increased by five complaints (26.3 per cent). This demonstrates that there has been an increase in the number of complaints that have gone through all the stages of the Council's complaint process.
- 3.3. At Stage One, Adult Social Care had an increase of 58 complaints (49.6 per cent). Most of the increase in complaints for this area was against external homecare providers and these are being closely monitored and action is being taken to address them.
- 3.4. Within in Corporate Services, Revenues and Benefits Team had an increase of 12 complaints (50.0 per cent) at Stage One. This is due to a tighter approach to the collection of outstanding Council Tax which resulted in the highest ever Council Tax collection rate of 97.14 per cent. In Customer Services there was an increase of nine complaints (69.2 per cent), which was a result of new systems within Parking and Registrars.
- 3.5. Planning and Borough Development, Libraries, and Housing all saw a decrease in the number of Stage One complaints by 30 complaints (52.6 per cent), 23 complaints (31.1 per cent), and 18 complaints (18.8 per cent), respectively.
- 3.6. The organisational increase in Stage Two complaints is mainly due to those received within Housing Services who saw an increase of 13 complaints (76.5 per cent). However, whilst the number of Stage Two complaints increased the number of Stage One complaints fell. Other services had marginal changes in the volume of complaints.
- 3.7. From April 2016 to March 2017, 24 cases were referred to the Local Government Ombudsman (LGO). This is a reduction compared to 31 cases in 2015/16.
- 3.8. Within the Adult Social Care Department there were eight complaints lodged with the LGO: of these four were about financial matters. They have all been dealt with and closed with the exception of one. Six cases were not upheld and had no further action for the Council. Two were partly upheld, of which one has a small compensation (£200) payment recommended for time and trouble which has been provided.

- 3.9. Within the Parking Department there were five complaints lodged with the LGO. In four cases, the applicants did not agree with the decisions on their PCN challenges and they chose to progress their appeals directly to the LGO. These complaints were not investigated further as the complainants had the right of appeal to a tribunal against their PCN and were therefore outside the Ombudsman's jurisdiction. The LGO assisted in negotiating an outcome for the fifth case. Following an initial refusal to investigate the complaint (in the previous period) as the applicant had the right to appeal, the LGO considered a second request for review within this reporting period. The Council was advised to reconsider new evidence presented. After doing so, it offered a conditional repayment plan to the applicant for the return of a removed vehicle and this resolution was accepted by the LGO.
- 3.10. Within the Housing department, five cases were dealt with by the LGO. Three were referred on to the LGO by the complainants, having been dealt with at Stage Three of the Council's formal complaints procedure during 2016/17, of these two were not upheld and the Council paid a compensation for the other. The LGO sought information about two more complaint cases, one of which was upheld and one which was not upheld.
- 3.11. Of the remaining six complaints that were dealt with by the LGO, three were within Planning and Borough Development, two were within the Council Tax and Housing Benefits and one was within Children's Services.
- 3.12. There are instances where the number of complaints investigated by the Ombudsman is greater than the number in the preceding stage of the Council's process. This is either because the complainant did not progress through the Council's complaints system or the complaint happened during the previous reporting period.

Service	Stage One		Stage Two		Stage Three		LGO	
	2015/16	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16	2016/17
Adult Social Care	117	175	0	0	0	0	3	8
Childrens Service - FCS Corporate	45	31	2	5	2	3	5	1
Childrens Service - Customer Care	20	22	0	4	0	0	1	0
Corporate Services - Adult and Community Learning	0	0	0	0	0	0	0	0
Corporate Services - Customer Services	13	22	1	1	1	0	0	0
Corporate Services - Registrars	8	7	0	1	0	0	0	0
Corporate Services - Revenues and Benefits	24	36	0	0	0	1	4	2
Environment, Leisure and Resident Services	3	1	0	1	0	1	0	0
Housing	96	78	17	30	9	10	8	5
Libraries Service	74	51	5	2	0	0	0	0
Planning and Borough Development	57	27	14	13	6	8	1	3
TTS Env Health - Private Housing	9	1	0	0	0	0	0	0
TTS Env Health - Env Quality Team	0	0	0	0	0	0	0	0
TTS Env Health - Food Safety	2	2	0	0	0	0	0	0
TTS Env Health - Noise and Nuisance	7	12	0	0	0	0	0	0
TTS Env Health - Licensing	2	0	0	0	0	0	0	0
TTS Env Health - Pest Control	0	0	0	0	0	0	0	0
TTS Env Health - Health and Safety	2	1	0	0	0	0	0	0
TTS Env Health - Trading Standards	0	1	0	0	0	0	0	0
TTS Parking Services	8	3	1	2	1	1	9	5
TTS Traffic and Transport	1	0	0	0	0	0	0	0
<b>Total</b>	<b>488</b>	<b>470</b>	<b>40</b>	<b>59</b>	<b>19</b>	<b>24</b>	<b>31</b>	<b>24</b>

**Table 1:** Complaints received by Service, April 2015 – March 2017

#### 4. ANNUAL REPORT BY THE LOCAL GOVERNMENT OMBUDSMAN

- 4.1. As this paper has been re-tabled the Council has two years of LGO data available.
- 4.2. A copy of the annual letters from the LGO for the last two financial years, 2016/17 and 2015/16, are attached as **Appendix B**.
- 4.3. **Appendix C** shows a London-wide league table of the complaints that have been lodged with the LGO for 2015/16 and 2016/17. Amongst the London boroughs (excluding City of London) Kensington and Chelsea has the lowest level of complaints that the LGO have investigated for a single London borough. For 2016/17 they investigated nine complaints of which only six were upheld.
- 4.4. In 2016/17 Kensington and Chelsea had the third lowest number of complaints that were lodged with the LGO amongst the London Boroughs. This is an improvement compared to 2015/16, when Kensington and Chelsea were the sixth lowest.
- 4.5. Of the total number of complaints and enquiries received (64) during 2016/17, nine were investigated by the LGO and the following five were upheld:

Department	Finding	Amount of settlement
Adult Care Services	<p>One concerned a lift installation under a Disabled Facilities Grant. The Council's agents failed to keep original flagstones removed as part of work, as previously agreed. The Council agreed to make a compensation payment of £200 for time and trouble and meet the cost of replacing the flagstones which totalled £350.</p> <p>In the second complaint there was delay in assessing a customer's contribution towards her care home fees and fault in the way the financial assessment was handled. There was no compensation as the Council had already reduced the contribution by £4,057.68.</p>	£550
Education and Children Service	The LGO agreed with the complainant that there was a delay from the Council in considering the complaint. Although, this did not result in material injustice, as the school made the necessary arrangements to put in place additional	£250

	support. The Council agreed to pay £250 as compensation.	
Housing	One housing complaint was upheld concerning a local resident who wanted to apply to the Housing Register. The LGO stated that the applicant had not been provided with sufficient advice and assistance in this regard. The Housing Options Team was asked to re-establish contact with the applicant and process an application. The housing team have sent him documents and repeatedly followed up to obtain completed documentation so he can be placed on the register. Housing are still waiting for these documents.	There was no financial settlement.
Planning and Development	The Council accepted it did not correctly register an objection and that meant it did not refer the application to its Planning Application Committee. However, this was not the objection lodge by the complainant. The complainant's objection has been considered. The LGO partly upheld the complaint, as the Council has not referred the application to the Planning Application Committee but the LGO were satisfied that the Council has taken action to remedy that injustice.	None

**Table 2: Details of the LGO complaints classified as upheld in 2016/17**

4.6. There was one further complaint that the LGO upheld within the Education and Children's Services. However, the reference number provided by the LGO does not match the service's database records and the database does not indicate another complaint within the service that was upheld by the LGO. The Council are communicating with the LGO to identify further information about the case.

4.7. In 2015/16 the total number of complaints and enquiries received were 80, and 21 were investigated by the LGO and the following seven were upheld:

Department	Finding	Amount of settlement
Children's Services	There were four complaints in total that were upheld by the LGO and compensation was offered for two of these complaints. One was related to a	£1,700 £1,600

	delay in a Foster Carer Assessment for which £1,700 was offered as suggested by LGO. The other was related to school placement and £1,600 was offered as compensation. The remaining two were related to school/home transport and no compensation was paid.	
Housing	Two complaints were upheld or partially upheld triggering compensation payments of £200 and £300. Both of these cases related to delays in providing interim accommodation.	£200 £300
Council Tax and Housing Benefits	One complaint was upheld as the LGO considered the decision had been made without fully considering all relevant circumstances and Government guidance. The Council agreed to make a payment to the complainant and remind officers of the need to follow proper procedures.	£766.50

**Table 3: Details of the LGO complaints classified as upheld in 2015/16**

- 4.8. The LGO records indicate that there is one further complaint that was upheld within Council Tax and Housing Benefits. The team are in communication with the LGO to identify this case and ensure that appropriate action was taken.
- 4.9. In 2015/16 the LGO letter stated that the Council did not adhere to the LGO recommendations in respect to a Special Educational Needs complaint. However, internal investigations revealed that the council officers did act in good faith, however, they were unable to provide evidence of the communication and postage. This is a lesson learnt for the department and organisation, and appropriate evidential documentation will be maintained.

## **5. PROCEEDINGS ISSUED AGAINST THE COUNCIL AND SOLICITORS' LETTERS RECEIVED**

- 5.1 There are a number of pre-action protocols which are in place to encourage parties to speak to each other at an early stage before litigation is contemplated. This can often mean that the Council will be sent pre-action letters setting out the complaint that someone has against the Council and the Council are then required to reply setting out the reasons why we say we either agree with the claim or disagree.
- 5.2 Sometimes a case will proceed past the pre-action stage and court proceedings will be lodged against the Council.
- 5.3 This report deals with proceedings both threatened (pre-action stage) and lodged at court or tribunal against the Council during the period 1 April 2016 to 31 March 2017.
- 5.4 This report also summarises complaints received against the Legal Service.

### **Court Proceedings – threatened and lodged**

#### **s204 Housing Act Appeals**

- 5.5 Section 204 of the Housing Act 1996 provides for appeals to the County Court following decisions made by the Council in connection with its housing duties. Often the Council, after assessing a claimant, finds it has no duty to house. The Claimant can then appeal the Council's decision.
- 5.6 There were nineteen appeals during this period compared to eighteen in the previous financial year. This number is similar to last year as demand for housing in the borough remains high resulting in challenges to the Council's decision. Of these cases, one was settled, six are ongoing or awaiting decision, eight were dismissed or struck out, and four were withdrawn.

#### **Housing Disrepair**

- 5.7 Claims for the disrepair of residential properties owned by the Council can be issued by both leaseholders and tenants. Early settlement and/or working with the other party is generally considered to be the best practice in these cases.

- 5.8 The Council's Tenant Management Organisation (TMO) do not solely use Legal Services to defend court proceedings. The TMO also instruct DMH Stallard, an external firm, on a number of cases.
- 5.9 There were nine cases where Legal Services have directly received instructions and of those; seven were either withdrawn at an early stage or were resolved by consent, two had court proceedings lodged with one settling and the other is still ongoing.

### **Judicial Reviews**

- 5.10 During the previous financial year there were a number of threatened judicial review claims though few proceeded to court. A threat of judicial review is received when a claimant sends a letter before action called a "judicial review pre action protocol letter". Discussion then usually resolves most of the issues before they proceed to the next stage of lodging a judicial review claim against the Council.
- 5.11 We received four threats of judicial review in respect of decisions to grant planning permission with three proceeding to court. Of those, permission was not granted to the other party in two cases and in one case the council was unsuccessful and was ordered to pay costs.
- 5.12 There were five Special Educational Needs judicial review threats and none proceeded to court.
- 5.13 There is one Adult Social Care judicial review which is currently proceeding through the courts.
- 5.14 The Council successfully defended one housing related judicial review in the High Court.

### **Leasehold proceedings**

- 5.15 Application was made by a group of Leaseholders of a council housing estate to the First Tier Tribunal on 7 July 2016 in which they challenged works being undertaken on their estate and the costs of those works. Currently the Tribunal has stayed the matter whilst further consultation takes place between the parties.

### **Other proceedings**

- 5.16 A business in the borough has for some time been threatening legal action against the Council for unpaid VAT of approximately £60K for the period of 1993-2002. There is a lack of historic evidence which the council has been seeking from the other party.

5.17 Court proceedings were lodged in order to protect the position of the holder of a lease on a council owned commercial property. Agreement was reached with the Council and the proceedings were withdrawn.

### **Appeals against decisions of the Council**

5.18. In total the Council received the following six appeals:

- (i) Licensing Act 2003 – Licensing Appeals against decisions of the Licensing Committee

Two appeals against decisions of the licensing committee were received. One appeal was dismissed and the other withdrawn. In both cases the appellant paid the Council's costs.

- (ii) Environmental Protection Act 1990 – Noise Abatement Notice

There was one appeal to the Magistrates Court in July 2016. This has now been settled and the notice will be withdrawn. The Appellant will be paying the costs of the Council.

- (iii) Appeal by Way of Case Stated – from Magistrates Court to High Court – Noise Abatement Notice

In February 2017 the Council lodged a joined up Appeal by way of Case Stated against two decisions of District Judge Roscoe in the Magistrates Court relating to the issuing of a Noise Abatement Notice. One related to the notice itself and the other appeal related to the award of costs to the appellant in the lower courts.

The original Appellant party have also appealed the decision relating to the council's Noise Abatement Notice. The Appeal hearing is now listed for July 2017 in the High Court.

- (iv) Appeal – First Tier Tribunal – Housing Act 2004 – Improvement Notice

Environmental Health/Private Sector Housing Team served notice on a landlord to improve their property and the notice was appealed. It was settled by agreement and the Tribunal is considering whether or not to award costs.

- (v) Appeal – Magistrates Court – Housing Act 2004 – revocation of license to manage a House in Multiple Occupation

Environmental Health/Private Sector Housing Team served notice to revoke the license of the owner/manager of a House in Multiple Occupation. The revocation was appealed to the Magistrates Court. A Consent Order was agreed whereby the Council agreed to pay the application fee of the Appellant. The issue of costs is awaiting decision of the Court.

### **Other Appeals**

5.19 In March 2017 the Council joined a Tribunal proceeding with the Information Commissioner's Office (the ICO). The ICO upheld the decision of the Council not to release certain information on a case being dealt with by the Noise and Nuisance Team and the ICO's decision was appealed. Whilst this is strictly not an appeal against the Council we have included it as the originating decision not to release information was one taken by the Council.

### **Personal Injury/Insurance Claims**

5.20 In accordance with the agreement of the Insurance company, the Insurance service handles the majority of Insurance claims in-house but will instruct external solicitors as required to advise / represent the Council on claims requiring litigation or those needing clarification of more complex legal issues. The in-house service is subject to regular external audit by insurers and internal Council audit.

5.21 The numbers of claims "notified" were as follows:

- Third party property damage claims – 98 (103 last year)
- Personal injury claims – 69 (87 last year)

5.22 These claims were "notified" to the Council Insurance Service within the financial year, although incident dates could have been in the last three years for personal injury and last six years for property damage.

### **Special Education Needs ("SEN") Appeals**

5.23 In mid-June 2016 all SEN Appeal work was brought in to Legal Services from the external specialist firm of solicitors that had undertaken this work for a number of years. It remains the case that the majority of SEN Appeals involve placement disputes where parents are seeking independent school provision for their children and are challenging the suitability of local school provision.

5.24 During the previous financial year there were approximately 20 SEN Appeals made to the First Tier Tribunal against the Council.

## **Complaints about Legal Services**

- 5.25 There was one complaint made by a local resident in relation to the length of time taken by Legal Services to respond to a Garden Square query. This complaint was upheld, the information was provided and the matter was put back on track with apologies to the resident.
- 5.26 There were two further complaints against two solicitors in Legal Services made by a defendant in relation to a criminal prosecution against him by the Council. Neither of these complaints were upheld and the prosecution continued to conclusion.

## **Other Complaints**

- 5.27 We have one resident complaining that she should be entitled to access to a garden square within the borough. Access has not been granted. A stage 3 complaint is now with our Customer Access Team. The resident made a further complaint against Legal Services and this is summarised at paragraph 5.25 above.

## **6. FUTURE REPORTS**

- 6.1 In future this annual report will be tabled for the October Leadership Group. This will ensure that LGO report for the most current year can be tabled for discussion.
- 6.2 The LGO have agreed that any complaints that they receive directly from residents of the Grenfell tower or surrounding areas in relation to Grenfell they will not be asking them to go through the usual RBKC complaints process. This is owing to the nature of the queries and the unprecedented circumstances. The LGO are liaising closely with Council before responding back to any residents.

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## **Business Group: Adult Social Care**

Service: Adult Social Care

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>175</b>	<b>n/a</b>	<b>n/a</b>	<b>8</b>
2015/16 Financial Year	117	n/a	n/a	3
2014/15 Financial Year	120	<b>n/a</b>	<b>n/a</b>	2
2014 Calendar Year	121	<b>n/a</b>	<b>n/a</b>	2

In comparison to last year there is an increase and most of this increase accounts to a hike in complaints against external homecare provider complaints.

The Customer Feedback Team remains a prominent service and vehicle for people to report dissatisfaction with a service. People are able to access this service well and talk about their concerns and dissatisfaction and this year the changes in homecare (more towards the beginning of the financial year) led to an increase in complaints. Homecare provision was the biggest change during the year accounting for 68% of total complaints.

Out of the 8 LGO complaints received 4 were about financial matters. They have all been dealt with and closed except for one. 6 cases were not upheld and had no further action for the Council. 2 were partly upheld. Out of which one has a small compensation (£200) payment recommendation for time and trouble which has been completed. There is further liaison work with the provider that is outstanding but underway.

The other case had some recommendations that Team Managers should cascade to their teams that as a matter of good practice that all adult social care staff will;

- Share a copy of a draft needs/carer assessment with their clients, to provide them an opportunity to comment on it, before finalising it.
- Share a copy of the final needs/carer assessment and corresponding care plan.

This was fulfilled and the case was concluded.

Following are examples of learning points as a result of receiving and dealing with complaints during this reporting period:

- Training for ASC staff on complaints handling and investigation techniques has led to a better understanding amongst new staff.
- In order to tackle homecare provision concerns there has been a greater focus on complaints and recurring issues. Our team has a prominent role in the monitoring process along with commissioning and contracts colleagues.
- We have been providing training and support to our homecare provider partners to ensure customer satisfaction and quality of care is at the heart of service provision.

- In other areas, there have been efforts to resolve complaints by way of mediation and meeting. Some complaints have also led to policy revision in addition to staff training and awareness.

The Customer Feedback Team also receives and records positive comments from users and their carers. This helps inform the Department about services that are working well. The team received 19 compliments from April 2016 to March 17.

## **Business Group: Children's Services**

Service: Customer Relationship Team – Corporate Complaints

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>31</b>	<b>5</b>	<b>3</b>	<b>1</b>
2015/16 Financial Year	<b>45</b>	<b>2</b>	<b>2</b>	<b>5</b>
2014/15 Financial Year	59	3	2	7
2014 Calendar Year	54	12	4	7

Complaints continue to decline as previously new areas of work become part of normal practice, leading to fewer problems and higher overall satisfaction.

We are in the process of improving how we handle feedback and pass this back to services for learning and service improvement. This is a priority for us over the coming year.

#### **Here are some examples of compliments received:**

“Your involvement meant much better communication with B... thank you for time and support, it is greatly appreciated.”

“With all your help M has happily settled at school... Thank you very much indeed for your contribution towards M’s educational needs and success.”

“Both us as parents and our son's school thought she was incredibly professional and effective. As a direct result of her intervention our son is now receiving appropriate support

“I very rarely write notes like this but her input was transformational for the process, removing a huge amount of stress and uncertainty for us all.”

## **Business Group: Families and Children's Services**

Service: Customer Relationship Team - Statutory  
Complaints

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>22</b>	<b>4</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	20	0	0	1
2014/15 Financial Year	14	3	0	0
2014 Calendar Year	18	1	0	0

There are also "representations" during the statutory complaints process, which is a more informal stage of the process, and can sometimes be a "pre-complaint" stage. These are not included in the above table, but it is worth noting that alongside the 22 formal stage 1s, there were 12 representations. Of the 12, only 2 of these progressed to formal complaints.

There is no significant variation from the previous year, as we have continued to work alongside Family Services to ensure that all complaints are logged and handled appropriately.

The Social Work Team continues to receive the highest volume of complaints, which corresponds to the size of the service and the nature of its activity. Further, the complaints are spread evenly across the year, with no stand-out busy or quiet periods.

We are in the process of improving how we handle feedback and pass this back to services for learning and service improvement. This is a priority for us over the coming year.

### **Praise or positive comments received during the reporting period.**

One compliment we received said:

"I can see hard work and dedication from you. Please keep continue your excellent role."

Another stated:

"In short, I thought D and especially E were an absolute credit to your organisation."

## **Business Group: Corporate Services**

Service: Adult learning and Employment service

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	0	0	0	0
2014/15 Financial Year	2	0	0	0
2014 Calendar Year	2	0	0	0

The table shows zero complaints as none have been escalated to us from our sub-contracted delivery organisations. There is no variation from the previous year.

Our Service receives few complaints as delivery is subcontracted to external organisations. Where learners are not satisfied with the service it will be addressed by those organisations as they are in the best position to judge the validity of negative comments/complaints and to effect any changes needed. Whilst we monitor any complaints they receive with them it is rare that formal complaints are made – most issues are dealt with informally and successfully.

# Business Group: Corporate Services

Service: Customer Services

## Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>22</b>	<b>1</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	13	1	1	0
2014/15 Financial Year	8	0	0	0
2014 Calendar Year	5	0	0	0

There has been a slight increase in the number of complaints; this is because we have been more active in encouraging our customers to provide us with feedback.

## Further information

Customer Services offers the first point of contact for a number of Council services, managing the Customer Service Centre, Residents Contact Centre, Enquiryline, Access and Advice, Cashiers and Accessible Transport. As a result, the department is a high volume service, with nearly 200,000 face to face visitors and around 550,000 calls to our contact centre over the course of a year. As Customer Services is the initial point of contact for many Council services, complaints received are often regarding policy decisions or back office service delivery, which are passed on to the relevant department.

The Stage 2 complaint refers to a customer who was dissatisfied with the way Customer Services handled her disputation of a Penalty Charge Notice (PCN).

## Informal Complaints

As a face-to-face and telephone based service, the vast majority of complaints are dealt with directly, at the informal stage. However, Customer Services captures these informal complaints and examines the root cause to avoid any further reoccurrence or escalation into the formal procedure. Generally, informal complaints focus on:

- waiting times
- the way customers feel they had been treated
- customers who claimed they had been given incorrect advice.

Listed below is a sample of compliments left by customers.

## Compliments received – Contact Centre

'I spoke to a courteous, helpful, efficient person. I'm grateful for their help today. They helped me sort out exactly what I needed to sort out. Thank you.'

'The man I spoke to was exceptionally helpful. It was just renewing a residents' parking permit. Very helpful, very human, very non-robotic because some people nowadays can be a bit robotic. He wasn't, he was very human, he responded to me as another human being and he was very efficient, very conscientious and absolutely superb at his job and I would say one of the people who helps the world to go round in any sort of correct way. Very, very pleasant chap. Thank you very much indeed for the service.'

'The person I spoke to, they came through to me very quickly, they understood my query very well, there was a minimum delay while I just put the problem to him and he found me the answer I was hoping for and also he also provided me with an extra piece of information that I asked for which I hadn't thought I would want, which was whether the council tax is going up for me this next council tax payment, and if so by how much. So all those questions were answered and offered very, very readily and very quickly and very efficiently. Thank you.'

### **Compliments received – Customer Service Centre**

'Excellent service and a very helpful advisor.'

'It was straightforward, [the advisor] was very friendly, smiling all through. I felt very relaxed and comfortable with the environment.'

'[Your advisor] is amazing at sorting out everything in a companionable, reasonable and logical understanding manner.'

## **Business Group: Corporate Services**

Service: Registrars - PPU

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>
2014/15 Financial Year	3	1	0	0
2014 Calendar Year	2	1	0	0

It is estimated that over the last financial year, Registrars have had over 60,000 customer interactions. As such, the number of complaints received (8) is a very small proportion of total customer dealings.

The Registration Services take customer complaints extremely seriously: they provide the service with an opportunity to see from the customer's point of view where things have gone wrong and how they can be improved. Although the eight received complaints reveal no pattern, improvements to our processes and communications have followed resolution of each complaint.

We have 39 recorded evidences of customer praise. These overwhelmingly talk of positive face-to-face interactions with our staff, especially at ceremonies and nationality related services.

## **Business Group: Corporate Services**

Service: Revenues and Benefits

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>36</b>	<b>0</b>	<b>1</b>	<b>2</b>
2015/16 Financial Year	24	0	0	4
2014/15 Financial Year	17	0	2	2
2014 Calendar Year	15	0	2	1

Complaints went up in the Council Tax Section. This could be as the result of a more proactive approach to the recovery of debts that has resulted in the highest ever collection rate in the Borough, 97.14%.

There are around 17,000 residents claiming Housing and Council Tax Reduction. Last year there were new restrictions placed on the amount of benefit that could be paid (benefit caps). There were 88,527 bills sent to households last April. Failure to pay Council Tax results in the services of enforcement officers (bailiffs) being sought to seek recovery of the debt. Fixed fees are also added to the debt and the use of enforcement offices and the additional fees made up the bulk of complaints in the Council Tax Section.

The Council uses an external contractor, Newlyns, for their enforcement work. Complaints are not uncommon in this line of work and the fees charged are fixed in law. All the complaints were reviewed with Newlyn's help. There is no evidence that the Council's procedures were wrong or should change and the vast majority of complaints were seeking to have the fixed penalties dropped.

There were two complaints that were submitted to the LGO related to the way the Council had dealt with their housing benefit claims. In both cases the Ombudsman did not investigate the complaints as the claimant did not appeal to a tribunal about the Council's decisions.

Letters of praise are not recorded. Anecdotally the Benefit Section receive high levels of praise that can be attributed to the fact they are paying Housing Benefit to claimants who otherwise could not afford to pay their rent.

## **Business Group: Environment, Leisure and Residents' Services (ELRS)**

Service: Across the Service

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>
2015/16 Financial Year	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
2014/15 Financial Year	2	0	0	0
2014 Calendar Year	0	0	0	0

There was one complaint which proceeded to stage three. The complaint was within the remit of the Parks service, and was found to be unjustified. No complaints were escalated to the LGO in the reporting period April 2016 to March 2017.

The department offers a wide range of services including parks police, commercial waste, waste collection, street enforcement, markets development and management, parks and leisure, arts and culture which includes museums and filming and events management. It provides support to the organisers of Notting Hill Carnival which accounts for many of the department's complaints. In comparison to the number of interactions the services have within residents, businesses, and members of the public the total number of complaints, including informal complaints is low.

### **Waste Management**

The majority of informal complaints that are recorded are handled by the Streetline call centre. They are entered directly on to the Mayrise system, which then allows the problem to be resolved quickly by the relevant staff, with the majority of informal complaints rectified within 24 hours. Most of the complaints are related to fly-tipping, missed bin collections and street sweeping complaints.

The total number of jobs (i.e. complaints, service requests, and information requests) recorded on Mayrise for Refuse, Cleansing, Enforcement, Graffiti and Animal Warden services for 2016-17 was 21,229. Of these, 3497 were information items/requests.

There were 12,291 complaints; of these 8839 were justified complaints. There were 5441 service requests, for example moving a bin or additional sweeping requests.

The department also records complaints not made through Streetline on the FOIRCE database. The total number of complaints recorded for the period April 2016-March 2017 is seven; four were about the garden waste collection service fees, and three were about either the close of the public toilets at Kensington Town Hall car park, food rubbish on the street, or no call back from an officer.

## **Commercial Waste**

There were 365 informal complaints received on Mayrise for the period April 2016 to March 2017. Of these 154 were justified. This represents a small rise in the number of complaints. Although there were 14 more complaints since the last reporting period, fewer of them were justified.

## **Markets**

Markets services receive relatively few complaints, which fewer complaints this year than in the previous reporting period. The number of compliments far exceeds the complaints. In 2016-17 there were five informal complaints. The complaints were about a request to terms and conditions a licence; two complaints about members of staff and one complaint about a specific trading site.

## **Leisure and Parks**

In 2016-17 there were 17 informal complaints recorded on the department's FOIRCE database, in addition there were 10 complaints via the Leisure Centre direct; the total number of complaints was therefore 27. Of those registered on the FOIRCE database one was about maintenance of Kensington Leisure Centre, one related to a damaged headstone, and the remainder were about parks. These were as varied as reporting damage to a memorial bench, to the height of the tennis nets; three of the complaints were about Pokémon Go which was a fad computer game last year which led people to the Kyoto Garden.

There was one complaint which proceeded to stage three. This was a complaint about materials for consultation on Kensington Memorial Park improvements and was found to be unjustified.

## **Culture**

There were 56 informal complaints received in 2016-17. These were mainly following Carnival; the recurring themes are the clean-up operation, anti-social behaviour, road closures and noise. Of the total number of informal complaints two were about filming and special events and related to a promotional event and bollards used for a filming event.

## **Lessons Learnt**

The Culture service improved its response time to complaints since the last reporting period with only one response being outside of the response time target. A plan was put in place, which clarified the process and set actions to address response times.

Changes were made to the department's FOIRCE database to allow better interrogation of complaints and officers are also being encouraged to record compliments.

The department continues to review trends and themes in complaints and is reviewing complaints recording and management as part of its business improvement. These are reported at a Quarterly Performance Review Board.

As a result of a complaint regarding consultation, officers will include an exceptions report on distribution of materials as part planned consultations, and will also plan to include more pre-consultation information in the future.

## **Compliments**

The department continues to receive a broad range of compliments from residents, businesses and members of the public. Some of these are recorded but many more are made face to face with officers whilst delivering their services. Below are some examples of compliments received:

## **Waste Management**

Re: Resolving street flooding cause by neighbour's hot tub

'Dear Matthew,

I have to say both you and Karen Crozier have been absolutely brilliant for at least a year, alongside Tim Davis in noise and nuisance. I Would hope other departments would look to see how resident friendly and helpful, and efficient your department and noise and nuisance are. '

'Dear Ms May,

I write to say what a very fine enforcement officer we have in Mr Watson. He is very committed to his job, goes the extra mile and has done so much to make streets cleaner and free from builders' mess. He is a credit to our Borough. We are very fortunate to have him.'

## **Culture**

'Dear James,

With the kind help of your department and helpful staff the residents of Spear Mews and Earls Court had another very successful summer Street Party. Many thanks for all your patient help.'

Re: Ashura Day

'Dear Mr Fitzgerald,

Thank you for your help with this. Well done. No complaints. As with other this one a gentle sympathetic but practical approach to our other street festivals. '

## **Markets**

'Dear Mark,

The Youth Forum and I want to thank you for giving them an opportunity to work on the Portobello Road market stall. It was a pleasure to be there.'

'Dear Mark,

Just to say thank you to you and your colleagues for organising the winter festival on Portobello Road. We, at Happy Donuts, had the second best sales day, next to carnival. '

## **Business Group: Corporate Services**

Service: Housing

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>78</b>	<b>30</b>	<b>10</b>	<b>5</b>
2015/16 Financial Year	<b>96</b>	<b>17</b>	<b>9</b>	<b>8</b>
2014/15 Financial Year	<b>71</b>	<b>27</b>	<b>14</b>	<b>8</b>
2014 Calendar Year	<b>76</b>	<b>22</b>	<b>11</b>	<b>10</b>

Stage 1 complaints were down 19% on 2015/16; however, there is no identifiable trend. The types of complaints Housing received were, for the most part, the same – there were just fewer of them.

The Housing Department:

- has 1,900 families in temporary accommodation, much of it outside of RBKC
- has 2,700+ applicants on its Housing Register
- oversees the allocation of around 400 social housing properties each year
- can deal with anything between 800 - 1500 homeless applications a year
- dealt with over 4,400 'approaches' for advice and assistance during 2016/17

While some of the assessment processes undertaken in Housing can be challenged by statutory reviews, given the potential number of interactions that could take place with clients in administering those aspects of service provision highlighted above, it reflects well on the department that it receives the relatively small number of complaints it does.

The learning remains fairly consistent year-on-year. Housing is not able to help every applicant who applies for assistance to the degree they would ideally like. Officers, while remaining empathetic frequently have to deliver negative news/decisions to clients. This requires tact, firmness in the face of challenging attitudes and a good working knowledge of the laws and procedures to be applied in respect of each applicant's circumstances.

Of the five Housing cases involving the LGO in 2016/17, three were referred on to the LGO by the complainant, having been dealt with at Stage 3 of the Council's formal complaints procedure during 2016/17:

Case A concerned an applicant who was made a direct offer of settled accommodation, which was subsequently withdrawn following the receipt of an anonymous letter alleging the applicant was trying to obtain social housing fraudulently. The external property management partner had also been slow to attend to repair issues in her temporary accommodation. Ultimately the fraud allegation was unproven. In its draft decision, the LGO has requested that the applicant be offered the next available four-bedroom unit and that she be paid £600 compensation (for not having been housed sooner) and an additional £450 for the time it has taken for repairs to be carried out. The Council's property management partner has agreed to pay the second sum.

Case B concerned a private landlord who complained that the Council's Tenancy Relations Service had provided incorrect advice to a service user, which led to that service user 'squatting' the landlord's property. This complaint was not upheld.

Case C concerned a service user who was unhappy with the way in which her medical assessment (for additional re-housing priority) and the subsequent review of same were carried out. This complaint was not upheld.

The LGO sought information about two more complaint cases, one of which was upheld and one which was not upheld:

Case D concerned a local resident who wanted to apply to the Housing Register. The LGO decided that the applicant had not been provided with sufficient advice and assistance in this regard. The complaint was upheld and the Housing Options Team was asked to re-establish contact with the applicant and process an application.

Case E concerned a service user who was unhappy with the way in which investigations into her homeless application and the subsequent review of the negative decision she received were carried out. This complaint was not upheld.

Housing recorded three instances of formal thanks or positive comments having been received from clients during 2016/17.

## **Business Group: Libraries**

Service: Across Service

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>63</b>	<b>2</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	74	5	0	0
2014/15 Financial Year	68	9	0	0
2014 Calendar Year	28	0	0	0

We received a total of 849,742 visits to libraries in 2016-2017. Over this period, complaints made up 77% of all comments made. There were fewer comments overall compared to last year.

In 2016-2017 of the 123 customer comments 27% were positive, 51% were negative and 21% were suggestions and comments. Of the 123 comments made, 63 were complaints.

Whilst some of the feedback comes in the forms of emails (especially when they have proved unsuccessful in using on line facilities) by far the greatest volume comes from our Charter mark comment forms. All comments are investigated promptly and investigated appropriately.

The number of complaints in 2016/17 have dropped compared to 2015/16. This is due to a significant drop in the number of complaints relating to fines. Staff guidelines on how to deal with fines changed last year, meaning that the first point of contact could resolve the issue without referring to a senior in all cases.

We have been supporting staff to try and resolve more complaints at first point of (verbal) contact thus reducing the number being made formally.

Of the 123 comments received 34 were positive and most were compliments about staff.

**April 2016- March 2017**

<b>SUGGESTIONS/COMMENTS</b>	<b>S/Cs totals 2016-2017</b>	<b>Positive</b>	<b>Praise totals 2016-2017</b>	<b>Negative</b>	<b>Neg. totals 2016-2017</b>	<b>Total comments 2016-2017</b>
Audio-Visual	1	Audio-Visual	0	Audio-Visual	0	1
Charges	2	Charges	0	Charges	2	4
Computer System/People's Network	3	Computer System/People's Network		Computer System/People's Network	20	23
Equipment	3	Equipment	0	Equipment	3	6
External	0	External	0	External	0	0
Facilities	3	Facilities	2	Facilities	11	16
Fines	4	Fines		Fines	2	6
Galleries and Display	0	Galleries and Display	0	Galleries and Display	2	2
LibrariesLine	0	LibrariesLine	0	LibrariesLine	0	0
Newspapers and Magazine	3	Newspapers and Magazine	0	Newspapers and Magazine	2	5
Opening Hours	1	Opening Hours	0	Opening Hours	0	1
Other – not categorised		Other – not categorised	4	Other – not categorised		4
Other users	0	Other users	0	Other users	4	4
Comments from users about other users		Comments from users about other users		Comments from users about other users		0
Physical access/exit	0	Physical access/exit		Physical access/exit	1	1
Rules & Regulations	1	Rules & Regulations		Rules & Regulations	1	2
Services	1	Services	2	Services	3	6

Staff	2	Staff	26	Staff	10	38
Stock	2	Stock	0	Stock	0	2
Website	0	Website	0	Website	2	2
<b>Total suggestions/ comments</b>	<b>26</b>	<b>Total suggestions/ comments</b>	<b>34</b>	<b>Total suggestions/ comments</b>	<b>63</b>	<b>123</b>

## **Business Group: Planning and Borough Development**

Service: Planning, Building Control, and Land Charges

### **Number of complaints received**

	<b>Stage One</b>	<b>Stage Two</b>	<b>Stage Three</b>	<b>LGO</b>
<b>2016/17 Financial Year</b>	<b>27</b>	<b>13</b>	<b>8</b>	<b>3</b>
2015/16 Financial Year	<b>57</b>	<b>14</b>	<b>7</b>	<b>1</b>
2014/15 Financial Year	37	12	5	4
2014 Calendar Year	29	8	5	4

There has been a significant decrease in the number of stage one complaints received in 2016/17 compared to 2015/16. In 2015/16 we received 57 stage 1 complaints, in 2016/17 the number reduced to 27. In 2015/16 the majority of complaints at stage 1 related to the decision making process of planning applications. We have become better in communicating with applicants our reasoning behind recommendations, thereby helping to reduce stage one complaints.

Stage 2 and 3 complaints have shown little variation between 2015/16 and 2016/17. LGO complaints have increased between 2015/16 and 2016/17 from 1 to 3. Having analysed the LGO complaints there is no discernible pattern or trend. The team is high profile and handles nearly 10,000 cases of various types each year in a very sensitive area of work for our residents. In this context, the number of LGO complaints remains low.

In 2016/17 the Department handled approximately 7,000 planning applications, many of which relate to controversial schemes or high profile sites. Naturally these create huge public interest, comment and strong views.

In addition to this, around 1,500 enforcement allegations were handled, which enables the Council to investigate alleged violation of Planning Control.

Set against this background, a total of 51 complaints (some of which would have been the same complaint at different stages) represents fewer than 0.01% of the total number of applications/enforcement cases managed by the Council.

PBD has a strong complaint procedure with complaints monitored by Team Leaders and Heads of Service to ensure that assigned officers respond within deadlines. This is reflected in 100% of complaints being responded to within 15 days in 2016/17.

Where lessons can be learned the department always seeks to make changes to improve service delivery. For example, in the past year good lessons have been learned regarding the importance of providing meaningful pre-application advice about how a proposal can be improved when the advice is that a proposal is not currently acceptable.

The Business Group keeps a Compliments Register alongside its Complaints Register.

A total of 35 compliments have been logged for 2016/17. Compliments are only logged if they indicate that the officer has gone above and beyond what is necessary or provided exceptional service.

Many compliments focus on the speedy resolution of issues raised as well as the helpfulness of officers in guiding applicants through a complex process. The professionalism of officers is also frequently mentioned.

Selection of compliments below:

*"James Burton of RBKC's Arboricultural Dept has been incredibly helpful, meeting with us to discuss what could be done, and then going on to plant a line of four magnolia trees to make up for the loss of the mature tree."*

*"Dear Ahmed, I would like to thank you very much indeed for your most speedy assistance, particularly as you are away from the office today,"*

*"Dear Jane, Your responsive, empathetic and professional persona is very appreciated."*

*"Ana, Thank you for sorting this out so efficiently"*

*"Dear Afshan, Thank you so, so much for all your help. You've been wonderful, we need a you in all of our workplace (and in life)!"*

*"Ben, Just a short email to say thank you for your assistance on the Planning Approval above, and also for your helpful advice and reassurance following my calls to you."*

*"Dear Saima, I would like to use this opportunity to thank you for your work on the application. Your proactive approach, promptness and understanding which you have shown throughout the process have impressed me. As agents who work with many planning authorities in London and around the country we truly appreciate that. I hope we will have a chance to work together on different projects in future. Until then I wish you all success in your professional life and otherwise."*

*"Jago has been in contact... I wanted to say how efficient he is and I have always found him to be pleasant and efficient. A great asset in my humble opinion"*

*"We would particularly like to thank Ms Megan Rowe for her comprehension, integrity and perseverance in the face of so much pressure from the developers."*

## Business Group: Transport and Technical Services

Service: Environmental Health - Private Sector Housing Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	9	0	0	0
2014/15 Financial Year	15	0	0	0
2014 Calendar Year	12	0	0	0

The Housing Team Manager is actively involved at an earlier stage when residents complain about the service. Issues are shared and solutions are discussed with the case officer to ensure correct action is taken and residents are informed of the outcome. It is pleasing to note that there has been a significant reduction in service complaints between 2015/16 and 2016/17 and that all complaints have been resolved at Stage One.

Only one service complaint received this year relating to a HMO Licence applicant who was not clear on the Council's position in dealing with licensed premises. A meeting was arranged to discuss the complaint made about the Housing Officer and the Council's procedures were explained in full. The complainant was satisfied with the explanation provided. The Housing Team have also received 25 requests from Councillors to investigate various issues at residents' premises. These have been resolved to a satisfactory outcome.

In addition, an email has been received commending the Housing Team for their excellent standards during this reporting period.

Service: Environmental Health - Environmental Quality Unit

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	0	0	0	0
2014/15 Financial Year	0	0	0	0
2014 Calendar Year	0	0	0	0

The Environmental Quality Unit did not receive any service complaints during 2016/17. Four Councillor Enquiries were received during this period, two relating to emissions from vehicles, one relating to air quality from diesel engine emissions and one relating to dust emanating from the Earl's Court Construction site all enquiries have been investigated and responded to.

## Service: Environmental Health - Food Safety Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	2	0	0	0
2014/15 Financial Year	3	0	0	0
2014 Calendar Year	2	0	0	0

In this reporting period the Food Safety Team received two complaints, these relate to a complaint made regarding notices served on two premises owned by the same person. One of the complaints has been resolved and notices have been complied. The other complaint is in the process of being dealt with. Officers from the Environmental Health Food Safety Team are working with the owner to comply the notices.

During this reporting period, the Food Safety team received 29 praise or positive comments regarding the service they provide.

## Service: Environmental Health - Noise and Nuisance Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	7	0	0	0
2014/15 Financial Year	6	2	2	0
2014 Calendar Year	7	2	2	

The Team Manager has become actively involved at an earlier stage when residents complain about the service provided by the Noise and Nuisance Team. Issues are shared at an early stage and solutions discussed between the officers concerned to help residents early in the process. All the above 12 complaints relate to officers not responding or updating residents promptly, these have all been investigated by the Team Manager and procedures put in place to remedy the complaints or find a solution to their noise complaint. The noise and nuisance service also received 62 Councillor Enquiries ranging from light pollution, rail track noise, revving of car engines and motorbikes, buskers, loud music from parties and general procedure enquiries.

The Noise and Nuisance team receive over 16,000 calls for service a year. It is pleasing to note that none of the above cases escalated and have all been investigated thoroughly.

During 2016/17 the Noise and Nuisance team received 36 praise or positive comments regarding the service they provide.

## Service: Environmental Health - Licensing Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	2	0	0	0
2014/15 Financial Year	1	1	1	0
2014 Calendar Year	1	1	1	0

The Licensing Team did not receive any complaints about the service in 2016/17. The Licensing Team received one enquiry from a Councillor relating to a venue in the borough with a noise issue from taxi's collecting patrons from a Licensed premise. This has been dealt with and the Councillor updated.

The Licensing team received 2 praise regarding the service they provide.

## Service: Environmental Health - Pest Control Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	0	0	0	0
2014/15 Financial Year	1	0	0	0
2014 Calendar Year	0	0	0	0

The Pest Control team did not receive any service complaints during 2016/17. They did receive 8 enquiries from Councillors, these relate to two enquiries relating to foxes, five complaints about rats, and an enquiry regarding an overgrown garden. All these enquiries have been dealt with fully.

The Pest Control Team received 4 praise or positive comments regarding the service they provide.

## Service: Environmental Health - Health and Safety Team

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	2	0	0	0
2014/15 Financial Year	1	0	0	0
2014 Calendar Year	0	0	0	0

One complaint was received regarding the service provided relating to an asbestos complaint at a recently closed Hotel. A letter was sent to the complainant detailing the Council's involvement and the action we had taken.

The Health and Safety team received 4 praise or positive comment regarding the service they provide.

## Service: Environmental Health - Trading Standards

### Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	0	0	0	0
2014/15 Financial Year	1	0	0	0
2014 Calendar Year	0	0	0	0

The Trading Standards received one service complaint which related to a civil matter that could not be dealt with by Trading Standards. The complainant was made aware of this and the case has now been closed. Three Councillor enquiries were received for this period relating to failed under-age test purchases, pricing at supermarkets and gas safe/part B registered premises and legality of contract. All enquires have been dealt with and signed off.

# Business Group: Transport and Technical Services

Service: Parking Services

## Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>5</b>
2015/16 Financial Year	8	1	1	9
2014/15 Financial Year	2	1	1	1
2014 Calendar Year	6	2	4	6

Disputes about the issue of a parking ticket or against the outcome of a challenge or appeal are actioned as part of the statutory process for dealing with these cases. Complaints that fall outside of this process are considered at the informal and formal stages.

Records show that a greater number of cases are handled at the informal stage before they reach the formal stages.

Two cases progressed through each of the 1<sup>st</sup> and 2<sup>nd</sup> stages, with only one of these then progressing to the 3<sup>rd</sup> stage.

In 4 of the 5 LGO cases, the applicants did not agree with the decisions received against their PCN challenges and they selected to progress their appeals directly to the LGO. These complaints were not investigated further as the complainant's had the right of appeal to a tribunal against their PCN and were therefore outside the Ombudsman's jurisdiction.

The LGO helped to negotiate an outcome for the 5<sup>th</sup> case. Following an initial refusal to investigate the complaint (in the previous period) as the applicant had the right to appeal, the LGO considered a second request for review within this reporting period. The Council was advised to reconsider new evidence presented. After doing so, it offered a conditional repayment plan to the applicant for the return of a removed vehicle and this resolution was accepted by the LGO.

Informal complaints (not tabled) about Civil Enforcement Officers (CEO) continue to be monitored. Where valid complaints were upheld, most related to CEOs requiring briefings about the importance of recording notes of conversations with the driver at the time of issuing a PCN. One CEO was required to receive refresher training in conflict management and customer focus.

## Lesson Learnt

As part of our commitment to improve communications, all staff in Parking Services were encouraged to participate in the Better Letters programme, a course offered by LBHF. The principles behind this training encourages staff to write clearly and concisely, with empathy and to encourage the reader to take actions or advice that help them where appropriate. This is an ongoing programme and will be developed further within each team.

Customers commented on the high level of service they received from members of staff and below are some comments reflecting their appreciation:

- A member of the Parking suspensions team was thanked for resolving an application issue in a very efficient and polite way: *".. it is a pleasure to see such an outstanding approach/service (that) someone provides for you especially when resolving issues."*
- A resident was thankful to an On street officer who found and returned his lost brief case.
- The use of the Call broadcast system service, an automatic calling service made to residents found parked on the first day of a suspended bay to let them know that they should move their vehicle, was complimented:  
*" It is heartening to see the council services work in such a pro-active and supportive manner. Thank you for implementing a method to help minimise such human errors, in a way that works beneficially for all concerned."*

*"I was very grateful to have had an automated call to alert me of the correct suspension date and I was able to move the car promptly."*

The Parking Contracts team monitor the on street parking enforcement contract: They were complimented on taking a broader view of a situation:  
*"This is very much in the spirit of collaboration between citizens and regulators which is the best way to implement rules and avoid unnecessary burdens to the community. "*

# Business Group: Transport and Technical Services

Service: Highways Maintenance

## Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	0	0	0	0
2014/15 Financial Year	0	0	0	0
2014 Calendar Year	0	0	0	0

The department did not receive any official complaints during 2016/117

During 2016/17 the department received 107 emails praising work/service provided.

Some extracts of comments received are as follows:

- Re: Fairfax Place – “Thank you for your email and also for quickly sending the Highway Officer who was very helpful. Thank you for your attention and prompt reply from your department and staff and congratulations to Kensington and Chelsea council for this service. I am impressed.”
- Re: Avondale Park Gardens – “Many thanks for your very quick reply - I'm sure everyone on this side of the square will be grateful for the works.”
- Re: Bramley Road footway – “Just to say I'm really very impressed by the guys working on the current pavement improvements. I'm a tenant in Packerham house, just next to the site. They've been very helpful, are always very friendly and it looks great!”
- Re: Horbury Crescent f/w wk – “That was quick! The doorbell just rang and the contractor guy said they'd do some cleaning up very soon. Many thanks for a speedy response!”
- Re: Kensington Church Street - I am very grateful and impressed by the prompt response to my alert. Many thanks
- Re: Campden House Terrace - Many thanks for sorting this out – makes a huge difference to noise and vibration.
- Re: Roland Gardens – “A happy customer!”

# Business Group: Transport and Technical Services

Service: Policy

## Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
2014/15 Financial Year	0	0	0	0
2014 Calendar Year	0	0	0	0

The department did not receive any official complaints during 2016/117

# Business Group: Transport and Technical Services

Service: Policy

## Number of complaints received

	Stage One	Stage Two	Stage Three	LGO
<b>2016/17 Financial Year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2015/16 Financial Year	1	0	0	0
2014/15 Financial Year	0	0	0	0
2014 Calendar Year	0	0	0	0

The department did not receive any official complaints during 2016/17

**If there is a significant variation between the number of complaints received in 2016/17 and 2015/16 please detail why this may be the case.**

[Click here to enter reasons for variations.](#)

## Further information

**Please put the number of complaints received into context. This could include detailing the number of customer/resident contact received over the same period, or highlighting if a service is likely by its nature to attract a large number of complaints.**

[Click here to provide service context](#)

**Can you please outline what learning there has been as a result of receiving and dealing with complaints during this reporting period.**

[Click here to provide details of learning.](#)

**Use the space below to comment on praise or positive comments received during the reporting period.**

20 July 2017

*By email*

Nicholas Holgate  
Chief Executive  
Royal Borough of Kensington & Chelsea

Dear Nicholas Holgate,

### **Annual Review letter 2017**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

### **Complaint statistics**

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **The statutory duty to report Ombudsman findings and recommendations**

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers)

### **Complaint handling training**

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training)

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish underneath.

Michael King  
Local Government and Social Care Ombudsman for England  
Chair, Commission for Local Administration in England

**Local Authority Report:** Royal Borough of Kensington & Chelsea  
**For the Period Ending:** 31/03/2017

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
12	8	12	5	6	6	13	7	2	71

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
5	5	29	16	3	6	67%	64

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
3	2

27 July 2016

*By email*

Nicholas Holgate  
Chief Executive  
Royal Borough of Kensington and Chelsea

Dear Nicholas Holgate,

**Annual Review letter 2016**

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

We are concerned about the Council not adhering to our recommendations that it had agreed to do. This regards a case involving the late completion of a child's Statement of Special Educational Need (SEN), where the Council reneged on an agreed remedy. The Council's SEN department refused to issue the Statement by the date agreed in our final decision, but instead did so three weeks later. The SEN department also wrongly claimed the complainant, who had contacted us because of the continuing failure to issue the Statement, had agreed to the further delay. It provided a letter it had prepared for the complainant, but that she had not seen, claiming she had agreed to the delay. Checking revealed the SEN department's claim was not correct.

## **Effective accountability for devolved authorities**

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

## **Supporting local scrutiny**

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

## **Complaint handling training**

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

## **Ombudsman reform**

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** Royal Borough of Kensington and Chelsea  
**For the Period Ending:** 31/03/2016

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
8	7	3	9	3	17	18	9	2	76

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
5	2	30	22	13	8	38%	80

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
6	0	100%