

COMPLAINTS REPORT

2018-2019



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1 EXECUTIVE SUMMARY

- 1.1 This report provides an update on the current position on complaints management across the Council. It incorporates proposals to absorb the learning that has taken place after the Grenfell Tower fire and the way in which the Grenfell complaints team have adapted their working practice to meet the needs of residents. It also includes proposals that result from a review of the Corporate Complaints team since it was set up in September 2019 and concludes with a summary of complaints that have been recorded by departments between April 2018 and March 2019.
- 1.2 Following the Grenfell Tower tragedy and introduction of a dedicated service to respond to complaints and enquiries, a Grenfell Complaints Team was introduced. This team worked to address residents' concerns relating to the way the Council dealt with complaints that the tragedy brought to the fore. These can be summarised as a need to ensure that the Council takes complaints seriously: that these are formally and consistently recorded, investigated and responded to fully and that the Council proactively seeks to learn from the complaints it receives. The Council needed to ensure residents' and service users were treated with respect, empathy and compassion and make it easier for customers to complain by creating a more open and transparent process.
- 1.3 In November 2018, the Executive Management Team (EMT) agreed the implementation of a single, centralised approach to managing and responding to complaints. The aim of this was to ensure that the lessons that had been incorporated into the Grenfell Complaints Team process were extended across all services so that all Council residents and service had a consistent, streamlined way to have their complaints dealt with. Importantly it was recognised that such a mechanism would expand the potential for the Council to learn and improve through the feedback it receives.
- 1.4 A project was put in place to develop processes, set up a corporate team, and procure an IT system which would support the management of complaints. The new process went live in September 2019. A review of the new service in December 2019 has identified that further work is required on the model in order to meet the agreed objectives.
- 1.5 This report therefore proposes changes which will strengthen the corporate complaints model and ensure the benefits of a corporate approach as signed off by EMT are being achieved. It is **recommended** that:
- 1) *The Corporate Complaints Team become a single point of access for all complaints¹ received online, by phone, email and letter*
 - 2) *The Corporate Complaints Team act as an independent investigator and responder to stage 3 complaints*
 - 3) *The response target for all stages will be 15 days, although the Grenfell Complaints Team will continue to publicise a ten working day target response time for stage 1 complaints.*
 - 4) *The informal stage of the complaints process is suspended to ensure all complaints are captured, with a further review of this in six months*

¹ The Corporate Complaints Team is currently working with key contacts nominated by Executive Directors to develop a process that remains appropriate for Housing Needs and Management, Grenfell and statutory Adults and Children's Services.

2 LEARNING FROM THE GRENFELL TRAGEDY

2.1 After the tragic fire at Grenfell Tower a dedicated Grenfell Complaints Team was created. It was apparent that before the tragedy, residents had been unhappy with the way complaints were handled by the Council.

2.2 The issues that the tragedy brought to the fore (although they had predated it) were:

- Residents did not feel that their complaints were listened to, properly investigated and acted upon;
- Complaints were sometimes re-defined by the council as 'service requests' which indicated a refusal on the council's part to accept that there had been any failure;
- Complainants were not treated with respect, that is to say responses sought at best to mollify and at worse to disregard complaints with a politeness that belied an underlying indifference to residents' concerns;
- Complaints were not viewed as a learning opportunity; there was no analysis of or reflection on the content of complaints to inform service improvement.

2.3 Immediately after the fire, residents also raised further concerns about the way the council managed complaints, in particular the extent to which compassion and empathy was evident as officers dealt with complaints without taking sufficient account of the trauma to which residents had been exposed. The Grenfell Complaints Team recognised that a complaints process was needed in which residents could have greater confidence and that addressed these issues and worked to put this in place.

2.4 The Council identified that it needed to create a corporate complaints model to support all Council services to adopt these learning points in the management of complaints. This was reinforced by the Taskforce report which made a similar recommendation. In November 2018, EMT agreed the creation of a Corporate Complaints Team and centralised complaints process (and supporting IT system). The objectives of this service were to:

- create an open and transparent complaints process which made it easier for residents to complain
- enable the Council to be a learning and listening organisation that makes improvements from the feedback it receives from residents.

2.5 The Corporate Complaints Team was set up in September 2019 and consists of a Corporate Complaints Manager and two Complaints Officers. A corporate complaints IT system was also rolled out to all areas, except for Housing Management where an integration with their existing system is planned. The corporate team took ownership of the following tasks which it believed would fulfil the objectives set out in 2.4 above:

- Log and allocate all complaints received via the online form
- Case manage cross service complaints
- Investigate and draft responses to stage 3 complaints for review and approval from service Director / signatory
- Acting as the Council's Ombudsman Link Officer
- Tracking adherence to response targets and sending reports to services regarding this
- Quality assurance for service complaints responses at stage 1 and 2
- Identifying trends and supporting services to investigate root causes and implement preventative action

2.6 Three months after its launch, the service was reviewed. The review found that the new model required further development to deliver on the agreed objectives. Namely it has seen that:

- The corporate team receives online complaints only; telephone and email complaints continue to be directed to service teams. This has meant that the Council may not have a comprehensive view of all complaints and there is a risk that complaints are not handled consistently across the organisation.
- The new model reduced the stage 1 target response date from 15 working days to ten. Whilst it should be a goal of the Council to deal with complaints as swiftly as possible, it has been noted that the reduction may result in the unintended consequences of an increase in holding replies. This will be frustrating for residents and counter to the objectives set out in item 2.4 above.
- The Council operates a four-stage complaints process, in that there is the option of complaints being resolved ‘informally’ and not proceeding to stage 1. It has become clear that this is not consistently applied across services. Whilst it may be possible to develop criteria that helps a consistent approach to handling complaints informally, doing so poses a risk that residents may see this as an example of the Council not taking complaints seriously which would undermine trust and confidence. There is also a clear benefit to recording all complaints within a three-stage framework in that it maximises the data available for organisational learning.

3 NEXT STEPS

- 3.1 This report proposes amendments to the corporate complaints model and process to ensure delivery of an open and transparent complaints process that meets the objectives set out in item 2.4 above.
- 3.2 In developing these proposals officers have recognised that existing procedures exist for mature complaints functions such as the dedicated Grenfell complaints team and Housing Management, as well as statutory Adults and Children’s complaints. The relevant leads for these functions have been consulted in the development of the proposals in this report and will continue to be involved in the planning and implementation of them so that these align as neatly as possible with existing arrangements. It is planned that the arrangements will be continually reviewed collaboratively to ensure we continually work towards a streamlined approach to complaints that ensures the objectives set out in 2.4 of this report are achieved, and residents find the process easy to use and efficient.
- 3.3 The proposed changes are:
- *The Corporate Complaints Team will act as the single point of access for complaints² (online, telephone, email), log all complaints, and allocate these to services for investigation and response to the complainant at stage 1 and 2.*
 - *The council will revert to a three-stage complaints process, with the ‘informal stage’ being removed. It is proposed that this is reviewed after six months to identify if there are any trends in stage 1 complaints which would support and inform the reintroduction of an informal stage.*
 - *The Corporate Complaints Team will make an initial assessment of each complaint received by the Council to confirm it is a complaint the Council can answer and ask for additional information if needed to ensure there’s enough information to progress the complaint.*
 - *The Council will commit to respond to all non-statutory complaints within 15 days.*

² The Corporate Complaints Team is working with key contacts to develop processes that remain appropriate for Housing Needs and Management, Grenfell, Adults and Children’s Statutory complaints.

- *Non-statutory stage 3 complaints will be investigated and responded to by the Corporate Complaints Team to ensure an independent review has taken place³. Stage 1 and 2 complaints will be investigated and responded to by the relevant Manager or Head of Service. Cross service complaints will continue to be managed by the Corporate Complaints Team at stage 1 and 2.*
- *The Corporate Complaints Team will extract data on complaints (received, outstanding, overdue) and circulate this to agreed leads in each department weekly.*

3.4 These activities will support the Corporate Complaints team to carry out its quality assurance and organisational learning responsibilities as they will have a more complete picture of complaints across the organisation. The Complaints Team will need to develop a framework of quality assurance of complaints. This will include producing standards, templates, guidance and support as well as having a process to complete quality checks on individual complaint responses. Having the framework in place will facilitate consistency in topics such as investigation approach and the tone of responses.

3.5 It is acknowledged that to fulfil these responsibilities a corresponding change in culture will be required. Our goal is for residents' complaints to be seen as an opportunity for the organisation and individual services to listen, learn, and improve. It is apparent that there is currently a perception that complaints are entirely negative. Whilst it's true that we don't want any of our residents to experience a service failure and feel the need to complain, there will inevitably be service errors. In alignment with our values, we need to be open to acknowledging when an individual has a poor experience, or a mistake was made; and approaching this with humility and apologising to them. Importantly, we need to proactively use this information to understand where we can improve. To support this cultural change, the Council will need to move at pace to collate and disseminate lessons from the complaints received and implementing improvements. In recognition of this, the Corporate Complaints Team will collaborate with departmental leads and the Communication Team to develop a change and engagement plan. This will support the organisation to adopt the changes proposed in 3.3. The plan will include communications, training, and other engagement tasks.

3.6 It is recommended that EMT consider and approve these proposed changes so that further discussions can take place with stakeholders to ensure that the change is well supported and delivered at pace, with the aim of having these changes in place by the end of the financial year. This would leave the organisation with a good foundation to develop its maturity in improving the quality of complaints investigation and responses, as well as carrying out collaborative exercises across the organisation to act on trends in complaints data to explore issues and develop solutions to improve things for residents.

4 PERFORMANCE OVERVIEW AND SERVICE IMPROVEMENT OPPORTUNITIES

4.1 Before September 2019, there was no centralised, corporate process for logging and monitoring complaints. Following mobilisation of the corporate team, the process still relied heavily on local organisation. This section of the report provides a breakdown of the complaints that the services recorded they received between April 2018 and March 2019.

4.2 As each service had its own decentralised approach to managing and responding to complaints, these were recorded and monitored locally. Information in Appendix A of the report includes the self-reported volume of complaints recorded by each service, at each stage of the complaint procedure, the outcome of these complaints, and the number escalated to the Ombudsman.

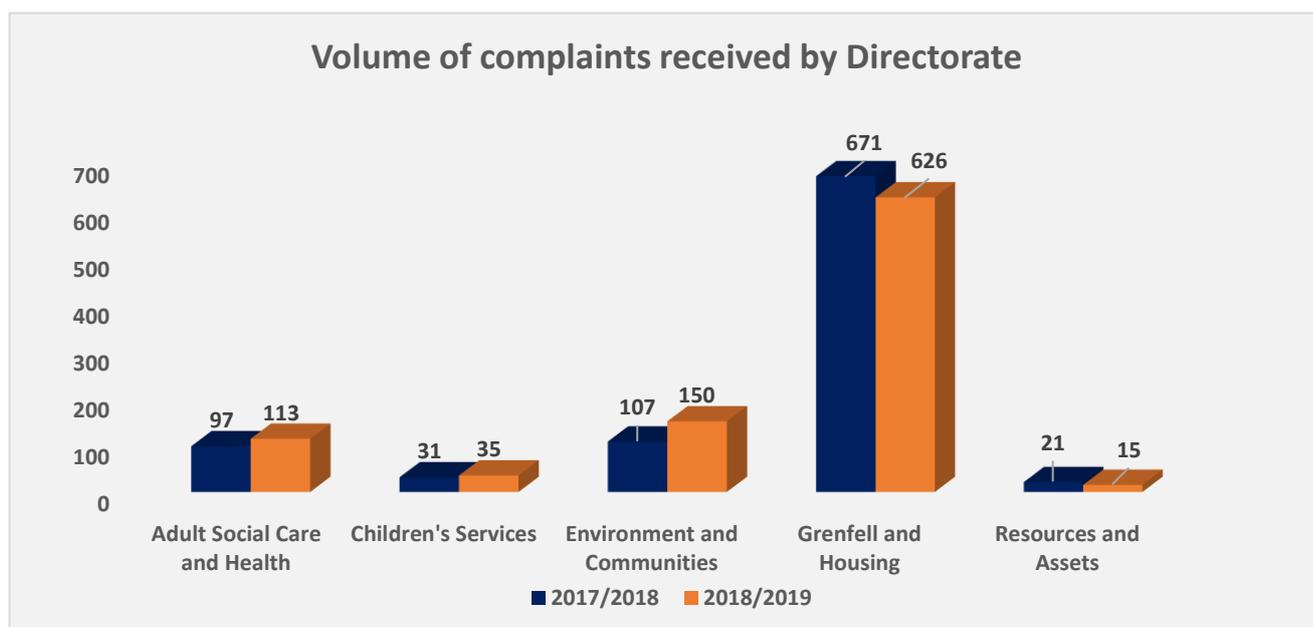
4.3 At the time when the data was recorded the Council's complaints procedure starts with an informal stage, where residents are encouraged to discuss their complaint with the officer they are dealing with. If the matter has not been resolved, then the complaint can be escalated into the formal 3-stage process. Stage 1 complaints are responded to by the manager of the relevant service, unless the

³ Grenfell stage 3 complaints will continue to be reviewed and investigated by the Independent Adjudicator

complaint is about the manager themselves. In these circumstances another manager or Head of Service will investigate the issues raised. If complaints cross-departments, the relevant responding Managers are expected to work together to provide a single response to the customer. At stage 2, the relevant Head of Service should review the complaint and provide a further response. At stage 3, the customer will receive a reply from the Director or Executive Director which will be the Council's final response after which the customer can contact the relevant Ombudsman body.

4.4 In addition to the Council's 3 stage complaints procedure, Adult and Children's Services also have statutory complaints which have a different process. Adult Services operate a single stage response for statutory complaints. For Children's statutory complaints, the stage 2 and 3 processes involve commissioning independent investigators to consider the complaint. Adult and Children's Services have dedicated complaint teams who will assess whether complaints fall within the remit of the relevant statutory process or the Council's complaints procedure. Grenfell Services have also commissioned an independent adjudicator to review their stage 3 complaints.

4.5 As demonstrated by the chart below, most directorates have seen an increase in the volume of complaints received between 2017/2018 and 2018/2019. Whilst it is difficult to explain the reason for this, the Council wants to make it easier for residents, businesses and visitors to complain. It is hoped that doing so will facilitate a learning culture and more trend analysis over time will help to identify if there are any trends in the volumes of complaints received and their root causes.



4.6 This following section includes a summary of the complaint information received from each service area regarding their complaint performance and any service improvement. For each service's full submission please refer to appendix A.

Adult Social Care and Health

4.7 Adult Social Care services have seen a 14% increase in the total volume of complaints received from 97 in 2017/2018 to 113 in 2108/2019.

4.8 Their statutory complaints process does not have a stage 2 or 3 escalation route therefore it is noteworthy that only 4% of complaints were investigated by the LGSCO. This is an improvement from the previous year where there were fewer complaints considered, 7% of which were accepted, and a decision made by the Ombudsman.

- 4.9 Complaints about care and assessment services account for the increase in complaint volumes; the common concerns related to the eligibility or outcome of an assessment. On the other hand, 26% of the total volume of complaints were about homecare services, compared with 47% in 2017/2018.
- 4.10 The key service improvements that have been implemented in this service area are:
- 1) *the Customer Engagement Team meet new staff as part of their induction to ensure the complaint handling and investigation process is explained and understood;*
 - 2) *meetings with homecare providers to refresh complaint handling and investigation processes;*
 - 3) *bespoke training session focusing on prevention and learning with the Reablement team.*

Children's Services

- 4.11 Children's Services has also seen an increase in volumes by 11% across both statutory and non-statutory complaints. The four complaints that escalated to stage 2 were non-statutory complaints and in all four cases, the customer remained unhappy and received a stage 3 complaint response.
- 4.12 It is important to reflect that despite an increase in the total volume of complaints received, the number of complaints escalated to and accepted by the LGO is 64% lower than the previous year.
- 4.13 Some of the key service developments that this area reports have been reviewed or introduced in the service are:
- 1) *better communications between the Service and service users;*
 - 2) *keeping parents updated with the progress of their child's Education Health and Care Plan;*
 - 3) *explaining the contents of an assessment report to a parent and managing their expectations with regards to amending a report.*

Environment and Communities

- 4.14 This directorate includes: Planning and Borough Development, Transport and Highways, Libraries, Environmental Health, Community Safety and Cleaner, Greener and Cultural Services. Collectively, these services received 107 complaints in 2017/2018 compared with 150 in 2018/2019.
- 4.15 There are consistently low volumes of complaints in most areas within this directorate except in Planning, Noise and Nuisance and Libraries, which combined received 113 complaints. This represents 75% of all complaints.
- 4.16 These services identified the following trends in respect of their complaint volumes:
- 1) *high volumes of complaints about the planning application process and issues with enforcement;*
 - 2) *issues with sound insulation, disclosures made under the Freedom of Information Act 2000 and delays in completing works for residents;*
 - 3) *quality of the facilities in libraries, such as lack of heating and malfunctioning automatic doors in Kensington Central Library and the lift being out of order in North Kensington library, as well as disputes about library fines.*
- 4.17 Despite high complaint volumes in this directorate, it is promising to see that very few cases were escalated to the ombudsman and in 2018/2019 none of the complaints were upheld.

Grenfell and Housing

- 4.18 Grenfell Services have received and recorded 159 complaints of which only 23 have been escalated to stage 2 and only 16 of these considered by the Independent Adjudicator who is commissioned to carry out stage 3 complaint reviews.
- 4.19 The Grenfell Service completes an annual report of the complaints and member enquiries it received, in which it highlights key complaint data concerning volumes, outcomes themes and service improvements. Some of the key service improvements that have been implemented are:
- 1) *clear communication in how policies and procedures are applied, notably when administering financial payments*
 - 2) *demonstrating more flexibility when meeting residents, for example arranging meetings outside core office hours*
 - 3) *improving awareness for residents and affected individuals in how they can raise concerns by updating the website, newsletter and running a session at the Citizen's Advice Bureau for those complaining on behalf of a resident*
- 4.20 Within Housing Management, 361 complaints were received. This represents a 34% decrease in the total number of stage 1 complaints.
- 4.21 Housing Management was brought into the remit of the Council in 2018 and some of the improvements they have made are:
- 1) *bringing the Repairs service into the Council*
 - 2) *ensuring contractors carrying out specialist works are more robust*
 - 3) *resolving complaints at the informal stage by carrying out proactive home visits and meeting with residents to gain a better understanding of the concerns*
- 4.22 The Housing Needs and Supply Service has seen a 30% increase in the total volume of stage 1 complaints alone (from 74 in 2017/2018 to 96 in 2018/2019). It has been difficult to identify the reasons for this as policy and approach have remained consistent with the previous year.
- 4.23 The service notes that most complaints relate to resident concerns about temporary accommodation. Therefore, it is focused and committed to working with managing agents to ensure properties are maintained at a high standard.
- 4.24 Similarly to Adult and Children's Services, although the service has seen an increase in total complaint volumes it has had half the number of Ombudsman decisions from 18 in 2017/2018, to nine in 2018/2019. This may indicate that complaint responses are more comprehensive and robust than in previous years

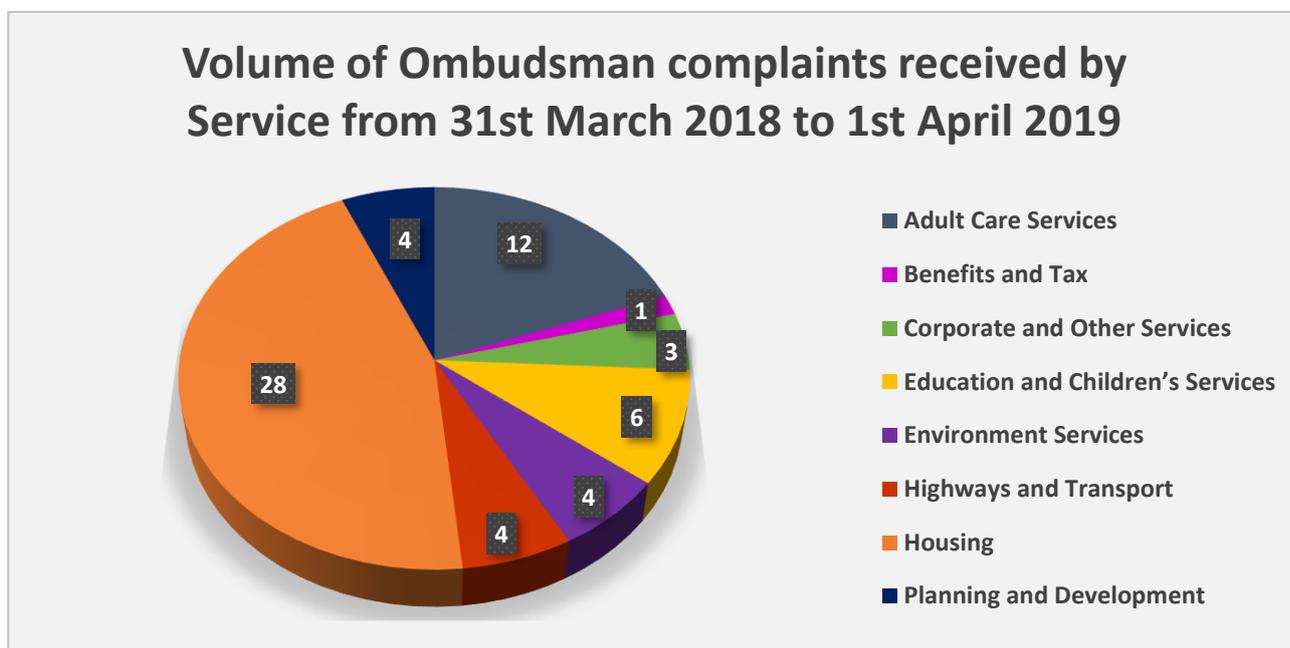
Customer Delivery

- 4.25 The Customer Delivery directorate comprises several services of which Customer Services, Revenues and Benefits, Recovery and Enforcement and Business Rates receive complaints. These services have seen a total decrease in the volume of complaints by 33%.
- 4.26 Given that these services receive a high volume of direct customer interaction, there is a concern that the low volume of formal complaints does not reflect the total volume of complaints that have been made by residents. Whilst it is acknowledged that staff are encouraged to resolve complaints at the informal stage, these have not been recorded and so information on the nature of these complaints and any learning opportunities is not available. This is something which will be addressed going forward.
- 4.27 Within Customer Services, below are some of the service improvements which were identified or developed in response to complaints that were investigated:

- 1) a contact number was added to the standard parking renewal letter so that customers can call the Council if they need to;
- 2) a recommendation was made for the Council Tax team to review the wording on their letters regarding direct debit cancellations. This is to be reviewed by February 2020.
- 3) specific support and training were given to a staff member on call handling; this is in addition to an extensive training programme delivered to Customer Services to regularly develop and improve how they engage with customers

5 COMPLAINTS REFERRED TO THE OMBUDSMAN

5.1 The Local Government and Social Care Ombudsman (LGSCO) received 54 complaints from Kensington and Chelsea residents compared with 85 in the previous year. The chart below provides a breakdown of volumes across all services.



5.2 It is important to note that although 54 complaints were accepted by the Ombudsman, only 51 have been decided.

5.3 It is particularly noteworthy that 37% of all complaints were referred back to the Council. This is because the Council has not had the opportunity to investigate the complaint, or that the customer has not been through all stages of the complaint procedure.

5.4 The LGSCO completed 12 detailed investigations and upheld 42% of these. This is lower than the average across other Local Authorities which was 63%. The Ombudsman's annual review letter can be found in Appendix B and this includes information and links to the upheld decisions that are published on the LGSCO's website.

5.5 Of the five complaints, the Ombudsman found that in two cases there was fault which did not give rise to injustice. In one of these cases it determined that the Council had provided a satisfactory remedy to put things right for the customer and so did not take further action.

5.6 In 2018/2019, the Housing Ombudsman received ten enquiries, of which eight were referred back to the Council to consider. Of the two complaints investigated, one was not upheld and the other was upheld but is still being investigated as the customer remains unhappy.

5.7 In total, the Ombudsman upheld 4 complaints and, in each case, recommended that the Council make compensation payments. These cases are summarised below:

Adult Social Care

This complaint referred to inadequate communication between a resident and the Council which resulted in a five-month delay in the service user receiving commissioned adult social care services. The Ombudsman awarded the complainant £1,000 for the gap in receiving services as well as the time and trouble in her pursuing the complaint.

Housing Needs

Case 1

It was found that the Council took too long to review an applicant's suspension from the housing register and failed to consider the applicant under the category of "serious risk of harm". The Ombudsmen recommended the Council compensate the complainant £1,000 and make some procedural improvements.

Case 2

The Ombudsman found that the Council took too long to provide a resident with accommodation whilst it made enquiries. They determined that the Council took too long to consider its decision that the resident was not in priority need. It took the Council 62 weeks to reach a decision when the relevant laws and guidance suggest this should take no more than 15 weeks. The Ombudsman made the following recommendations which the Council accepted:

- 1) *pay the resident a total of £3,500 in recognition of various failures, delays and for the time and trouble in having to pursue the complaint*
- 2) *provide refresher training for staff about homeless legislation and the Council's homeless policies, especially those relating to domestic violence*
- 3) *provide training to staff in the homeless department on the Council's complaints process to ensure complaints are identified and dealt with properly.*

In addition to the above, the Council also appointed an Independent Housing Reviews Officer to handle homelessness reviews.

Housing Management

The Housing Ombudsman considered a complaint regarding the disrepair which affected the roof of the building. Before their investigation, the landlord had accepted that there were delays in dealing with the issues raised by the tenant, as well as delays in dealing with the complaint. The Council offered the tenant £250 in recognition of these service failures.

However, in the Council's final response it committed to update the customer by 5 March 2018. It did not do this and so the Ombudsman upheld the complaint and recommended the Council pay the customer an additional £50. The customer does not agree with this decision and so the investigation is still ongoing.