

<b>11 March 2021</b>		<b>ITEM: 7</b>
<b>Standards and Audit Committee</b>		
<b>Mid-Year Complaints &amp; Enquiries Report – April 2020 – September 2020</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Lee Henley - Strategic Lead Information Management		
<b>Accountable Strategic Lead:</b> Lee Henley – Strategic Lead Information Management		
<b>Accountable Directors:</b> Jackie Hinchliffe – Director of HR, OD & Transformation Ian Hunt - Assistant Director of Law and Governance & Monitoring Officer		
<b>This report is:</b> Public		

## Executive Summary

- The number of complaints received for the reporting period is 520. For the same period last year the figure was 639, therefore the reporting period represents a reduction in complaints received.
- Details of the top 10 complaint areas are detailed within Appendix 1.
- A summary for Adult Social Care complaints is attached as Appendix 2.
- A summary for Children Social Care complaints is attached as Appendix 3.
- During the reporting period, 32% of complaints have been upheld. This is a significant improvement compared with the same period last year which identified 41% of complaints as being upheld. The target is 38%.
- For the reporting period, 88% of complaints were responded to within timeframe. This is below the 90% target however it's improved performance from last year, where 86% were responded to within timeframe. It should also be noted that strong performance has been maintained in light of Covid related pressures faced by the council.
- A total of 155 MP enquiries were received, of which 89% were responded to within the timeframe. This is below the 90% target, however it represents

improved performance compared to last year's figures of 86% (from 140 received).

- The volume of member enquiries received into the council remains high and is increasing. A total of 2018 member enquiries were received within the reporting period, with 95% responded to within timeframe. This is above the target of 90%. This is a slight dip in performance from last year's figures, however this could be attributed to the increase in volumes this year. Last year 1909 were received with 96% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 4 days.
- The council received 402 external compliments within the reporting period compared to 281 during last year.
- The Housing Ombudsman asks all Landlords to complete and publish a self-assessment of their compliance with the Complaints Handling Code. The council's self-assessment has been published and is attached as Appendix 4.

## **1. Recommendation(s)**

### **1.1 To note the statistics and performance for the reporting period.**

### **1.2 Members to encourage residents to report (where possible) their concerns by using our online reporting facilities.**

## **2. Introduction and Background**

2.1 This report sets out the council's complaints statistics for the period 1 April 2020 to 30 September 2020.

2.2 Adult Social Care (ASC) and Children's Social Care (CSC) have separate statutory complaints procedures.

2.3 Top 10 complaint themes have been produced and are attached as Appendix 1. The Corporate Complaints Team work with services to establish the root cause for complaints received, to identify reasons for complaint escalation and to establish the reasons why complaints are upheld.

### **2.4 Ombudsman Enquiries**

2.4.1 The table below provides a summary of formal enquiries where the Local Government and Social Care Ombudsman (LGSCO) and/or the Housing Ombudsman (HO) have reached a formal decision on cases within the reporting period. Findings and recommendations from all enquiries are shared with respective Directors and Assistant Directors.

Area	Issue Nature	Ombudsman Findings	Financial Remedy	Learning where relevant	Did the council respond to the LGSCO or HO timeframes
Housing – Homeless Team	Lack of support provided to a resident following them becoming homeless	Maladministration Causing Injustice	£400  Split between Housing and Children Services (After Care Team)	Training undertaken to ensure staff better understand their responsibilities to Care Leavers.  A new joint Housing protocol for care leavers has been developed.  Aftercare Team to be represented at Housing's homelessness panel and Personalised Housing plans will be completed jointly by the Housing and After Care Teams.	Yes
Place – Development Control	Failure to take action to control development in the greenbelt	Maladministration No Injustice	N/A	The LGSCO finding was disputed by the council due to the complexities of this case.	Yes
Housing – Repairs Team	Handling of reports of condensation in property	Maladministration No Injustice	£250	Whilst the process relating to the management of damp and mould is established and remains in place, there is no longer a dedicated damp	Yes

				<p>and mould team/Surveyor.</p> <p>Training has since been provided to other members of the Technical Team which allows for the workload to be shared during busy times to avoid delays in responding to issues of this nature.</p>	
Housing – Voids	Complaint regarding the condition of the property that was let	Maladministration No Injustice	£350	The record keeping process for void works has been reviewed to ensure that Landlords can evidence what void works are completed and when.	Yes
Complaints Team	Handling of formal complaint – Lack of response to the complainant at stage 3	Maladministration Causing Injustice	£100	<p>This stage 3 was not recorded on the complaints system and the team member who was aware of the complaint was not in the office.</p> <p>Processes must be followed to ensure all stage 3's are logged so that other team members have visibility of these on the system.</p> <p>Weekly 'overdue' response log reviewed by</p>	Yes

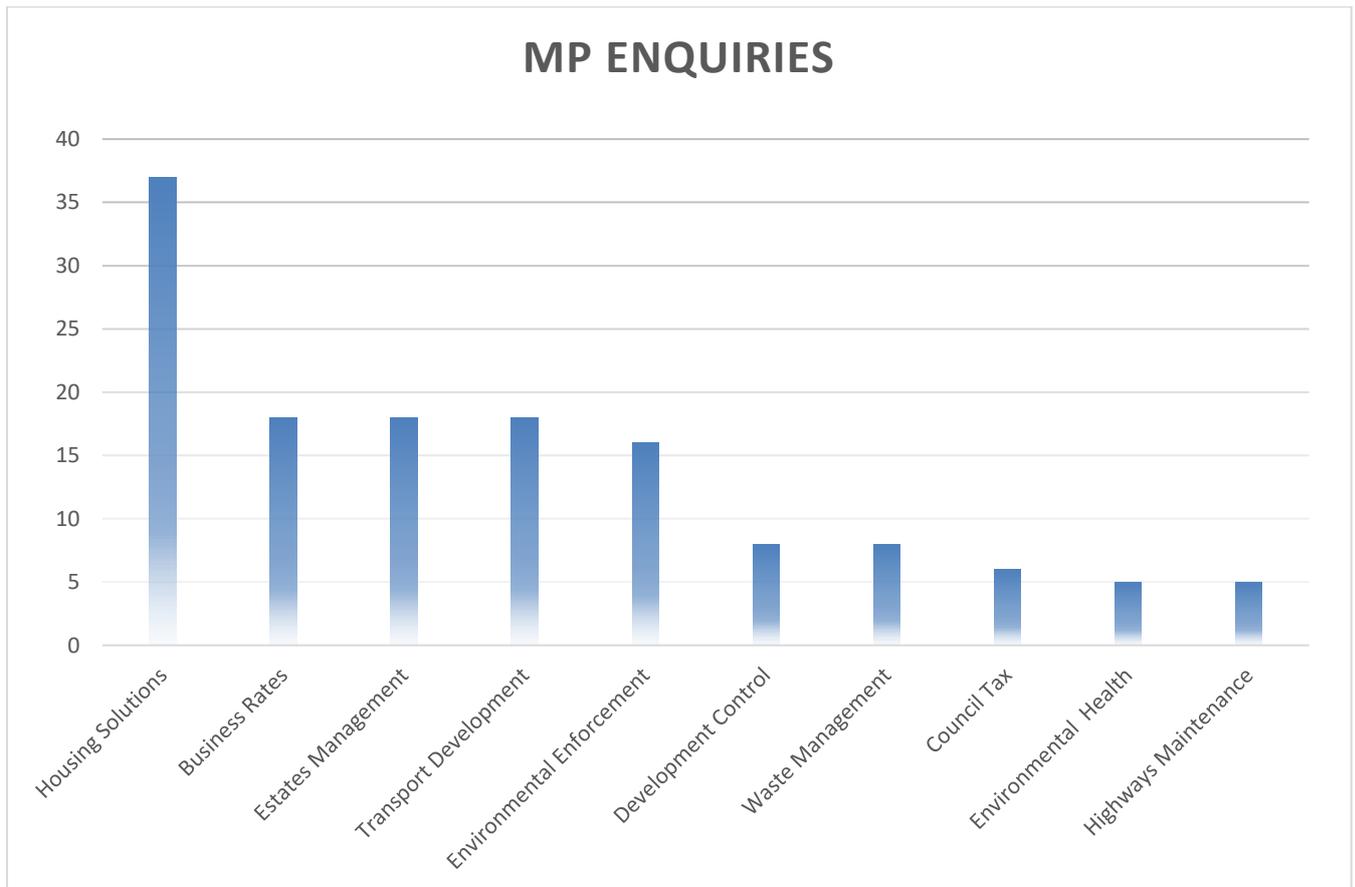
				Manager, with oversight by Strategic Lead, to ensure complaints are being responded to or chased where appropriate	
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## 2.5 MP and Members Enquiries

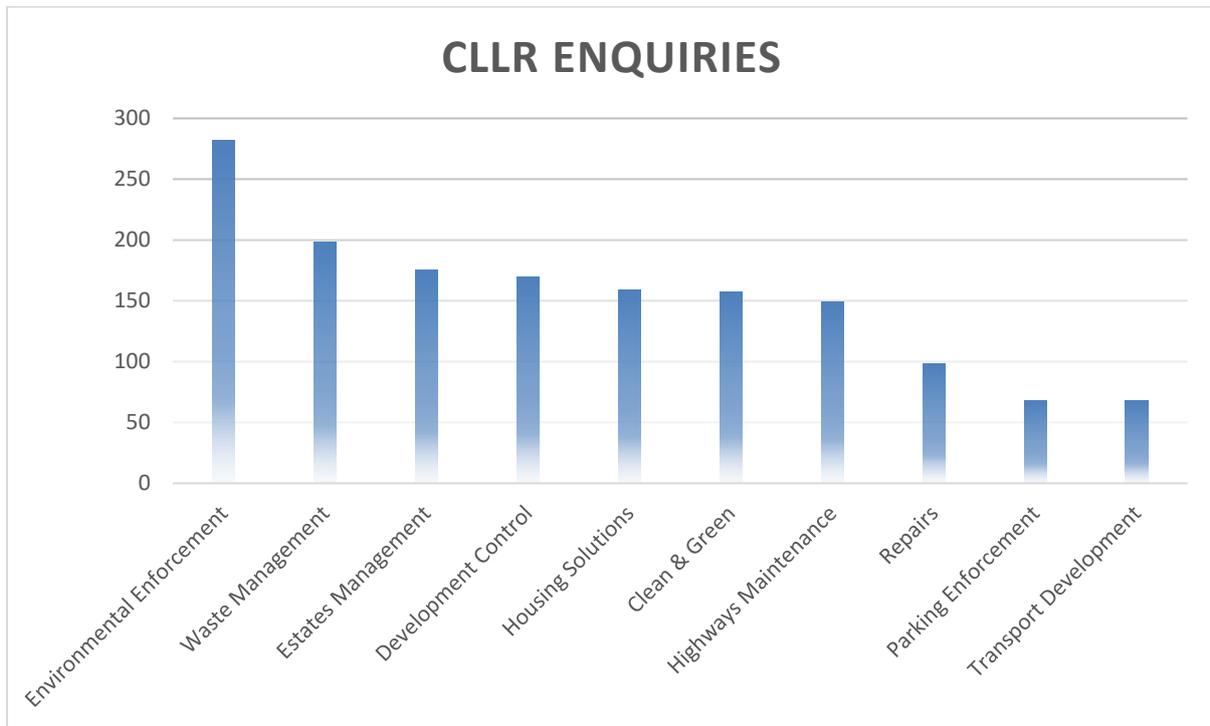
2.5.1 During the reporting period enquiries were received as follows:

- A total of 155 MP enquiries were received, of which 89% were responded to within the timeframe.
- A total of 2018 member enquiries were received, with 95% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 4 days.

2.5.2 MP enquiry trends and common themes are outlined below:



2.5.3 Councillor enquiry trends and common themes are outlined below:



2.5.4 The volume of member enquiries received into the council remains high and is increasing. Many of our residents welcome the opportunity to report issues online, as it's more convenient and gives them greater control. If residents are able to log it online, then:

- They will receive notification of progress directly
- They should receive a quicker response from the council, as their issue is submitted into the service area (from the resident) and not passed between Members and Officers

## 2.6 Learning lessons from complaints

2.6.1 The most important aspect of any complaints management framework is the ability to demonstrate that the council can show evidence that it is learning from complaints received. Appendix 1 shows top 10 complaint themes.

## 2.7 Complaint investigation costs

Complaints which escalate through the complaints procedure can result in additional costs to the council in terms of officer time. Based on analysis it has been estimated that a stage 1 complaint costs £46, a stage 2 complaint costs £81 and a stage 3 complaint costs £130. As such complaint investigation costs for the reporting period are as follows:

**Note** – This is based on complaints closed (so will be different to the complaints received figure in the Executive Summary)

Complaint stage	No of complaints	Associated cost
Stage 1	344	£15,824
Stage 2	148	£11,988
Stage 3	15	£1950

## 2.8 Alternate Dispute Resolution

Alternate Dispute Resolution (ADR) has been embedded within the corporate complaints process for several years and is implemented as a mechanism to resolve complaints swiftly should the complainant request escalation. This involves assessment of the presenting issues by the Complaints Team and appropriate recommendations being made. It can also include mediation with the complainant, the service or advising of onward referral to the appropriate Ombudsman.

Complainants are seeking resolution and welcome the involvement of a neutral third person who will be able to assist both the complainant and the service in negotiating a settlement to their complaint.

Costs for independent investigations for both children and adult social care services differ depending upon complexity of the case, length of the investigation and in particular the need for independent persons in addition to an independent investigating officer for children’s services. However, initial data analysis has shown that on average these costs are:

Adult Social Care	...	£3000 per complaint investigation
Children’s Social Care	...	£1800 per stage 2
	...	£1000 per stage 3

Within the reporting period there were 0 ADR’s undertaken.

## 2.9 Compensation

2.9.1 Records confirm that within the reporting period financial compensation payments have been made by the council as outlined below:

Area	Complaint Stage	Financial Remedy	Learning
Housing – Homeless Team	Ombudsman	£400  Split between Housing and Children Services (After Care Team)	Detailed in 2.4 above

Housing – Repairs Team	Ombudsman	£250	Detailed in 2.4 above
Housing – Voids	Ombudsman	£350	Detailed in 2.4 above
HR – Complaints Team	Ombudsman	£100	Detailed in 2.4 above
<b>Total</b>		<b>£1100</b>	

## 2.10 Social Care Annual Complaints & Representations

- Appendix 2 provides a summary dashboard for Adult Social Care.
- Appendix 3 provides a summary dashboard for Children’s Social Care.

## 2.11 Complaint channels

2.11.1 There are various means for complainants to register expressions of dissatisfaction. The top themes for the reporting period are shown below:

Digital channel (email, social media, website)	99%
Telephone	1%

## 2.12 Compliments

2.12.1 The council received 402 external compliments within the reporting period compared to 281 from last year. A breakdown is shown below:

Area	Volume
Housing	39
Environment & Highways	60
Finance & IT	4
Strategy, Communications & Customer Service	203
HR, OD & Transformation	4
Legal	1
Place	11
Education	13
Adult Social Care	52
Children Social Care	15
<b>Total</b>	<b>402</b>

## 2.13 Complaints that fall within the Housing Ombudsman Jurisdiction

The Housing Ombudsman (HO) have recently produced a new Complaints Handling Code that the council must comply with by the 31 December 2020. Complaints in scope of this new code will be those complaints whereby the council has a Landlord responsibility, therefore will not include the following as they will continue to be picked up by the Local Government and Social Care Ombudsman:

- Allocations
- Homelessness
- Private sector housing

Below is a high level summary of work the council had to undertake and/or change as part of the new code:

- To complete a self-assessment against the code by 31 December 2020 and reporting the outcome of the self-assessment to Members/Committee - This is attached as Appendix 4.
- Publishing the outcome of the self-assessment - This is published on the council's website.
- Landlords should give residents the opportunity to have a representative/advocate deal with their complaint on their behalf - This is covered off as part of the complaints process.
- Publicise the complaints process to tenants – This has been delivered as part of a communications plan
- Reporting back on wider learning and improvements from complaints to our tenants and Members - Learning from Housing complaints is included within Appendix 1 either as a top 10 area, or shown separately within Appendix 1 for those areas that were not in the top 10 list. Reporting learning back to tenants will be covered off as part of the communications plan.
- Reducing the stages for Landlord complaints from 3 stages down to 2 stages – This change took place on 1 October 2020.

**Note** - The council will also be considering moving to a 2 stage complaints process for all complaints (excluding Adult and Children Social Care Complaints). A pilot is planned to commence on 1 April 2021.

### **3. Issues, Options and Analysis of Options**

3.1 There are no options associated with this paper.

### **4. Reasons for recommendations**

4.1 This report is for noting purposes. There are no recommendations requiring approval.

### **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 This report was sent to Customer and Demand Board and Director's Board.

### **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Complaints impact on the council's priority of delivering excellence and achieving value for money.

- 6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.
- 6.3 The complaints process aims to improve customers' and users' experience of accessing council services. This will support our customer services strategy.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Jonathan Wilson**  
**Assistant Director Finance**

The financial implications are set out in the body of the report.

### **7.2 Legal**

Implications verified by: **Ian Hunt**  
**Assistant Director of Law and Governance & Monitoring Officer**

- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Strategic Lead Community Development and Equalities**

The Information Management Team will ensure that the Community Development and Equalities Manager are aware of all complaints that have an equality related expression of dissatisfaction.

### **7.4 Other implications**

None

## **8. Background papers used in preparing the report**

Information has been obtained from the council's complaints system.

## **9. Appendices to the report**

- Appendix 1 – Top 10 complaint themes
- Appendix 2 – ASC complaint dashboard
- Appendix 3 – CSC complaint dashboard
- Appendix 4 – Self-Assessment Housing Ombudsman

### **Report Author:**

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