



CABINET – 16 SEPTEMBER 2022

CORPORATE COMPLAINTS AND COMPLIMENTS
ANNUAL REPORT 2021/22

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

Purpose of the Report

1. The purpose of this report is to present to the Cabinet the Corporate Complaints and Compliments Annual Report, covering the period 1 April 2021 to 31 March 2022, appended to this report.
2. The Annual Report highlights a further increase in complaints and sets out the key reasons driving this. It highlights specific pressure points during the year in Special Educational Needs and associated transport. It also sets out a number of positive improvements made during the year.

Recommendations

3. That the Cabinet notes the Corporate Complaints and Compliments Annual Report, covering the period 1 April 2021 to 31 March 2022.

Reasons for Recommendation

4. To note the increase in volume of corporate complaints received and the key themes emerging.

Timetable for Decisions (including Scrutiny)

5. The Corporate Complaints and Compliments Annual Report was presented to the Scrutiny Commission at its meeting on 8 June 2022, and its comments are detailed at paragraph 32, Part B below.

Policy Framework and Previous Decisions

6. The Council adopted a new Corporate Complaints Policy in 2010 which requires an Annual Report to be produced, analysing, and reviewing complaints received during the preceding 12 months.

Resource Implications

7. There are no additional resource requirements arising from this report.
8. The Director of Corporate Resources and Director of Law and Governance have been consulted on this report.

Circulation under the Local Issues Alert Procedure

9. None.

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PART B

Background

10. The Complaints and Information team manages and co-ordinates complaints relating to three separate complaints systems:
 - i. Adult social care statutory process
 - ii. Children's social care statutory process
 - iii. Corporate complaints process – these are complaints relating to any other Council service and where there is no other form of redress.

11. Corporate complaints are the primary subject of this report. The other two statutory processes are subject to separate reporting arrangements and annual reports on both areas will be presented to the relevant Overview and Scrutiny Committees. This report will however include high-level comments on each of these.

Headline Statistics

Complaints Received and Outcomes (2020-21 comparative data is in brackets)

12. During 2021-22, the following complaints were received (2020-21 figures in brackets):
 - 610 Corporate complaints (527) – a 16% increase
 - 49 Local Government and Social Care Ombudsman enquiries (38) – a 29% increase

13. 224 Corporate complaints were upheld – which is 39% of the total received (40%)

14. 50 Ombudsman Decisions were made during 2021/22 as follows:
 - 21 Closed after Initial Enquiries
 - 19 Maladministration with Injustice
 - 5 Outside of Local Government Ombudsman (LGO) remit
 - 4 No Fault found after detailed investigation.
 - 1 Maladministration but no injustice caused

Response Times

15. During 2021-22, complaint response times were affected by the wider pandemic pressures and show some pressures on services (2020-21 figures in brackets) -
 - 41% of all complaints received a response within 10 working days (51%)
 - 68% received a response within 20 working days (77%)
 - 92% received a response within the maximum 65 days recommended by the Ombudsman (97%).

Issues most frequently complained about

16. The top five issues complained about were as follows.

i. Special Educational Needs (SEN) – 129

Recurring themes include timeliness of carrying out Annual Reviews, Issuing of Education and Health Care Plans (EHCP) and difficulties with contacting SEN Officers.

ii. Travel and Transport Services - 93

The principal source of complaints has been delays in arranging transport ahead of the Autumn term. Other repeat themes have been quality and consistency of transport arrangements and delays in processing and issuing Personal Transport Budget payments.

iii. Waste Management - 60

Primarily complaints were received during the first half of the year and about the booking system for visits to Recycling and Household Waste Sites. Volumes dropped sharply once this measure was removed.

iv. Environmental Services - 25

An even distribution between Grass Cutting and Drainage complaints. Not flagged as an area of concern with volumes stable.

v. Parking Provision - 20

Complaints in this area were driven largely by greater consistency in applying the Council's policy around Vehicle Access requests (dropped kerbs). This has resulted in more applicants being refused.

Local Government and Social Care Ombudsman (LGSCO) Complaints

17. There has been an expected increase in the number of Ombudsman decisions this year. This follows a three month pause in casework during 2020-21. Findings of maladministration increased but not disproportionately.

18. Despite the increase in the number of findings of maladministration this year, financial payments made across Corporate Complaints reduced from £40,000 in 2020-21 to £10,750.

19. The biggest factor in findings of maladministration continues to be SEN complaints. The Council continues to have regard to the Ombudsman's guidance on remedies and this has prevented several complaints escalating through appropriate local settlement offers.

20. The Ombudsman issued no public reports against the Council during the year.

Compliments

21. There was a slight increase in the number of compliments recorded during the year with 226 across all services (up from 215 in 2020-21).

Adult Social Care Statutory Complaints

22. There were 210 adult social care complaints recorded in 2021-22, an increase of 14% on 2020-21 (184).
23. Response times for social care complaints also saw some pressures during the year with 64% responded to within 20 working days. Importantly, however, just 5 (2%) exceeded the statutory maximum timescale of 65 working days (9 in 2020-21).
24. Fault was found in 43% of complaints. Almost identical to last year (42%).
25. The Ombudsman investigated 10 social care complaints in 2021-22 and reached adverse findings in 5 instances. This was comparable to the previous year (4). Financial payments of £500 were also down from £700 in 2020-21.

Children's Social Care Statutory Complaints

26. A total of 65 Stage 1 complaints were accepted, almost identical to 61 in 2020-21.
27. The Council continues to assess complaints against the statutory guidance and practitioner guidance issued by the Local Government and Social Care Ombudsman in determining eligibility to the statutory procedure. This is important to control costs incurred through independent investigation.
28. 76 Children's Social Care complaints were handled under the Corporate Complaints procedure.
29. Of the 65 complaints considered at Stage 1, 6 requested escalations to Stage 2 (Independent Investigation) equating to 10%. Of these, 4 requested further escalation to Stage 3 of the process (Panel Review) and all of those went on to approach the Ombudsman.
30. Response times for Stage 1 complaints showed some challenges with adhering to the stricter statutory timescale of 20 working days with 61% achieving this. There were also 10 complaints (17%) which exceeded 40 working days. This requires improvement to adhere to the statutory procedures.
31. The Ombudsman investigated 10 children social care complaints in 2021-22 and reached adverse findings in 3 instances. Financial payments of £300 were made, significantly down from £11,900 in 2020-21.

Comments of the Scrutiny Commission

32. The Scrutiny Commission considered a report at its meeting on 8 June 2022 and welcomed the detail provided. The Commission asked for more benchmarking information so comparisons could be made with other similar sized authorities. Officers agreed to explore this further. A member expressed concern about the rise in SEND Complaints and asked that this received closer scrutiny through the Children and Families Overview and Scrutiny Committee. It was confirmed a report would be going to the next scheduled meeting in September 2022. Members noted that external consultancy work had been commissioned in the SEND and SEND Transport teams to ensure better coordination.
33. The Commission noted that there had been an exponential growth in the number of children requiring SEND support and that currently 1 in 60 required this, which was unprecedented. It was noted that this was a national issue and members said that this was unsustainable without further Government support. Members acknowledged that, set against the rise in SEND assessments, the number of complaints received remained proportionate to previous years.

Conclusion

34. Complaints can be valuable in helping to identify recurring or underlying problems and potential improvements. Lessons can usually be learned from complaints that were upheld, but also sometimes in cases where no fault was found but the opportunity to improve services is identified.
35. Occasionally issues will emerge that need to be addressed over and above the original complaint. The Complaints Team will always seek to look at the “bigger picture” to ensure that residents receive the best possible service from the Council. In every case where fault has been found the actions taken have been reviewed, both to remedy the fault and help prevent the issue arising again.
36. The effect of the Covid-19 pandemic has, unsurprisingly, resulted in considerable extra pressure on services, including in responding to complaints. Also, the past year has highlighted ongoing demand pressures within SEN and a resulting impact to provision of transport. Significant work is taking place in both areas to bring about improvements
37. Notwithstanding the challenges in 2021/22, 92% of complaints were resolved within the Council’s policy timescale. The financial redress payments recommended by the Ombudsman has also fallen, indicating that the Council’s review process is helping mitigate these.

Equality and Human Rights Implications

38. There are no equality or human rights implications arising from the recommendations in this report.

Background Papers

Report to the Scrutiny Commission – 8 June 2022 - Corporate Complaints and Compliments Annual Report 2021/22

<https://politics.leics.gov.uk/documents/g6870/Printed%20minutes%20Wednesday%2008-Jun-2022%2010.00%20Scrutiny%20Commission.pdf?T=1>

Appendix

Corporate Complaints and Compliments Annual Report 2021-22

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