



SCRUTINY COMMISSION – 12 JUNE 2022

CORPORATE COMPLAINTS AND COMPLIMENTS
ANNUAL REPORT 2022 – 2023

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to present for the Commission's consideration the Corporate Complaints and Compliments Annual Report, covering the period from 1 April 2022 to 31 March 2023. This is attached as appendix A to this report.

Background

2. The Complaints and Information Team manages and co-ordinates complaints relating to 3 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 other services provided by the Council where there is no access to a statutory complaints' procedure.
3. Corporate Complaints are the primary subject of this report. Both statutory processes are subject to other reporting schedules and annual reports on both areas will go to their respective Scrutiny and Overview Committees (the Children and Families Overview and Scrutiny Committee on 05 September 2023 and the Adults and Communities Overview and Scrutiny Committee on 04 September 2023).

This report will however include high level comments on each of these and any comments from the Commission relating to these areas can be referred to the relevant Scrutiny Committee as it considers appropriate.

4. The corporate complaints service produces an annual report to analyse and provide comment on complaints received during the preceding 12 months.
5. As detail is included in the Annual Report itself, the purpose of this report is to highlight the headline issues emerging from the analysis of complaints activity for 2022/2023.

Headline statistics

Complaints received and outcomes (2021-22 comparative data is in brackets)

6. During 2022-23 the following complaints were received:
- 781 Corporate complaints (610) – a 28% increase
 - 80 Local Government and Social Care Ombudsman (LGSCO) enquiries (50) – this represents a 60% increase
7. 398 Corporate complaints were upheld - which is 51% of the total received (39% during 2021-22)
8. 80 Ombudsman Decisions were made during 2022/23 as follow:
- 26 Closed after Initial Enquiries
 - 23 Resulted in a finding of maladministration with Injustice
 - 14 Premature
 - 13 Fell outside of LGSCO remit
 - 4 No Fault found after detailed investigation

Response times

9. During 2022-23, complaint response times clearly show significant pressures on services, particularly those requiring senior manager review.

Stage 1

- 46% of all complaints received a response within 10 working days
- 70% received a response within 20 working days
- 85% received a response within the maximum 40 days recommended by LGSCO

Stage 2

- 37% of all complaints received a response within 20 working days

Issues most frequently complained about

10. The top five issues complained about were as follows

School Admissions	237
Special Educational Needs (SEN) assessment	193
SEN and School Transport	79

Highway Maintenance	26
Public Transport	24

Local Government and Social Care Ombudsman Complaints

11. There has been an expected increase in the number of Ombudsman decisions this year. This has increased by 60% from 2021-22 driven primarily by SEN complaints.
12. There has also been an increase in the findings of maladministration this year. Financial payments made across Corporate Complaints increased from £10,750 in 2021-22 to £40,750.
13. 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.
14. The Ombudsman issued 1 public report against the Council during the year. This concerned SEN Transport and has led to a number of remedial actions being implemented to improve the timeliness of processing applications and resultant appeals.
15. In accordance with the Local Government Act 1974¹, the above public report was presented to Cabinet on 24 April 2023. The Chair of Corporate Governance was also updated.

Compliments

16. There was a slight decrease in the numbers of compliments recorded during the year with 211 across all services (down from 226 in 2021-22).

Adult Social Care Statutory Complaints

17. There were 204 adult social care complaints recorded in 2022-23 a decrease of -3% on 2021-22 (210).
18. Response times for social care complaints improved this year with 76% responded to within 20 working days. This is a good improvement on last year. There were, however, 19 complaints exceeding the statutory maximum 65 working days which needs improvement.
19. Fault was found in 38% of complaints. A reduction of 5% from previous year (43%).
20. The Ombudsman investigated 24 adult social care complaints in 2022-23 and reached adverse findings in 9 instances. This was an increase on the previous

¹ Section 31(2)

year (5). Financial payments of £15,865.86 were also significantly increased from £500 in 2021-22.

21. One Public Report was issued during the year relating to Adult Social Care services. This related to a lack of provision of eligible services and delays in re-assessment.
22. The above report was presented to Cabinet on 25 October 2022. All remedial actions have been completed.

Children Social Care Statutory Complaints

23. A total of 86 Stage 1 complaints were accepted, a 32% increase from 2021-22 (65).
24. 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.
25. 82 Childrens Social Care complaints were handled under the Corporate Complaints procedure.
26. Of the 86 complaints considered at Stage 1, 10 requested escalations to Stage 2 (Independent Investigation) equating to 12%. Of these, 5 requested further escalation to Stage 3 of the process (Panel Review) and 3 of those went on to approach the Ombudsman.
27. Response times for Stage 1 complaints showed some challenges with adhering to the stricter statutory timescale of 20 working days with 31 complaints (37%) achieving this. There were also 12 complaints (14%) which exceeded 40 working days. This requires improvement to adhere to the statutory procedures.
28. The Ombudsman investigated 13 children social care complaints in 2022-23 and reached adverse findings in 3 instances. Financial payments of £2500 were made, an increase from £300 in 2021-22.

Final Comments

29. This report highlights 2 areas generating high volumes of complaints.
30. School Admissions is expected to be a short-term service issue and it should be noted this area has not seen high numbers of complaints for a number of years. Actions are in hand to deal with the outstanding transfer requests and this area should return to a stable footing by Summer 2023.
31. SEN is a much more complicated area. Improvement work is being driven both by the Transforming SEND and Inclusion (TSIL) programme and the Accelerated Progress Plan. Regular reports and updates are being shared with the Children and Families Overview and Scrutiny Committee.

Recommendations

32. The Commission is asked to:

- (i) note the contents of the Corporate Complaints Annual Report, covering the period 1 April 2022 to 31 March 2023.
- (ii) provide comment and feedback on the content and analysis within the report.

Circulation under the Local Issues Alert Procedure

None.

Background Papers

Corporate Complaints and Compliments Annual Report 2021 – 2022: Scrutiny Commission – 08 June 2022

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List of Appendices

Corporate Complaints and Compliments Annual Report 2022 – 23

Equality and Human Rights Implications

None

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