



CABINET – 15 SEPTEMBER 2023

CORPORATE COMPLAINTS AND COMPLIMENTS
ANNUAL REPORT 2022/23

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 2022 to 31 March 2023, appended to this report.
2. The Annual Report highlights a further increase in complaints and sets out the key reasons driving this. It highlights ongoing pressure points during the year in Special Educational Needs and School Admissions.

Recommendations

3. That the Cabinet notes the Corporate Complaints and Compliments Annual Report, covering the period 1 April 2022 to 31 March 2023.

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 12 June 2023 and its comments are set out in Part B of this report.

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 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.
11. Corporate Complaints are the primary subject of this report. The corporate complaints service produces an annual report to analyse and provide comment on complaints received during the preceding 12 months.
12. 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
13. Both statutory processes are subject to other reporting processes and annual reports on both areas will go to their respective Scrutiny and Overview Committees. This report will however include high level comments on each of these.

Headline statistics

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

14. 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) – a 60% increase.
15. 398 Corporate complaints were upheld – which is 51% of the total received (39%).
16. 80 Ombudsman Decisions were made during 2022/23 as follows:
 - 26 Closed after Initial Enquiries
 - 23 Maladministration with Injustice
 - 14 Premature
 - 13 Outside of LGSCO remit
 - 4 No Fault found after detailed investigation

Response times

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

Stage 1 Complaints

- 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 Complaints

- 37% of all complaints received a response within 20 working days.
18. During the year and following a Final Decision of the LGSCO, the Council made changes to its complaints procedure to report separately at Stage 1 and 2. For this reason there is no comparative data this year.

Issues most frequently complained about

19. 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

20. 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-related complaints.
21. 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. This included one significant payment of £11,000 following a Public Report regarding Adult Social Care, reported to the Cabinet earlier in the year.
22. Otherwise, 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.

23. 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.

Compliments

24. There was a slight decrease in numbers of compliments recorded during the year with 211 across all services (down from 226 in 2021-22).
25. Compliments were recorded across a wide range of services including significant volume for Libraries (92), Recycling and Household Waste Sites (26) and Highways (23). Compliments were usually about positive customer care and helpfulness.

Adult Social Care Statutory Complaints

26. There were 204 adult social care complaints recorded in 2022-23, a decrease of 3% on 2021-22 (210).
27. 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.
28. Fault was found in 38% of complaints which was a reduction of 5% from previous year (43%).
29. The Ombudsman investigated 24 social care complaints in 2022-23 and reached adverse findings in 9 instances. This was an increase on the previous year (5). Financial payments of £15,865.86 were also significantly increased from £500 in 2021-22.

Children's Social Care Statutory Complaints

30. A total of 86 Stage 1 complaints were accepted, a 32% increase from 2021-22 (65).
31. The Council continues to assess complaints against the statutory guidance and practitioner guidance issued by the LGSCO in determining eligibility to the statutory procedure. This is important to control costs incurred through independent investigation.
32. 82 Children's Social Care complaints were handled under the Corporate Complaints procedure.
33. 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.

34. Response times for Stage 1 complaints showed some challenges with adhering to the stricter statutory timescale of 20 working days with only 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.
35. The Ombudsman investigated 10 children social care complaints in 2022-23 and reached adverse findings in 3 instances. Financial payments totalling £2500 were made, an increase from £300 in 2021-22.

Comments of the Scrutiny Commission

36. The Scrutiny Commission considered a report at its meeting on 12 June.
37. Members noted complaints regarding delays in allocating school places, and that the process had been changed to help address this and guidance for parents clarified (most of the complaints related to house moves in/out of County which had resulted in children changing school). Delays in processing the applications were largely due to resource issues within Children and Family Services but oversubscription was also a factor in some areas.
38. It was noted that there had been a significant number of complaints regarding SEND and the timely conduct of Education and Health Care Plans. Improvements were being made to the system and this was monitored by the Children and Families Overview and Scrutiny Committee as part of the Transforming SEND in Leicestershire Programme. Members were advised that of those complaints that had not been addressed in time, the majority related to - often complex - SEND issues.
39. The Commission noted that the amount paid by the Council in the settlement of complaints had risen but this was largely due to one case (an adult social care review) and payments had otherwise been consistent with previous years.
40. Members were pleased to note that the level of compliments had remained fairly consistent despite the challenges faced and rise in complaints.
41. The Commission asked that future reports included figures as well as percentages in order to help quantify the data being presented.

Equality Implications

42. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

43. There are no human rights implications arising from the recommendations in this report.

Background Papers

Report to the Scrutiny Commission on 12 June 2023 - Corporate Complaints and Compliments Annual Report 2022/23 and minutes of that meeting
<https://politics.leics.gov.uk/ieListDocuments.aspx?CIId=137&MIId=7101>

Appendix

Corporate Complaints and Compliments Annual Report 2022-23

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