

Report of the Director of Finance & IT to the meeting of the Governance & Audit Committee to be held on 22nd April 2021

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Subject:

Complaints performance and activity report 2020-2021

Summary statement:

The purpose of this report is to present the Council wide complaints performance and activity outcomes for the financial year ending 31st March 2021.

EQUALITY & DIVERSITY:

This report concludes there are no equality and diversity implications which negates the need for an Equality Impact Assessment.

Chris Chapman
Director of Finance & IT

Portfolio:

Leader of the Council & Corporate

Overview and Scrutiny:

Corporate

Report Contact: Harry Singh
Interim Head of Corporate Investigations,
Information Governance & Complaints
Phone: (01274) 437256
E-mail: harry.singh@bradford.gov.uk

1. SUMMARY

The purpose of this report is to present the complaints performance and activity outcomes for the financial year ending 31st March 2021 to provide assurance for the Committee that the Council's complaint handling arrangements are effective and where appropriate, that there is an action plan in place to ensure improvements are made

2. BACKGROUND

2.1 Definition

The Council has had complaint handling procedures and a policy in place for some time and for the purposes of the policy, and this report, a concern or complaint is defined as an expression of dissatisfaction about one or more of the following; -

- *The provision of a Council service*
- *A Council Policy or Procedure*
- *The way in which the Council's staff carry out their duties.*

2.2 Resolution

Complaints can be resolved either informally or formally.

2.2.1 Informal resolution also referred to as a "pre – complaint" normally represents concerns which are considered by the receiving Service, or the Corporate Complaints Team (CCT), to be resolvable quickly usually within 48 hours.

2.2.2 Formal resolution represents concerns that are considered to require further investigation and they fall into two categories. Each category can have up to 3 stages;

1. Statutory i.e. where the Council has a legislative duty to investigate the complaint. This applies to all complaints about Adult or Children's Social Care and all complaints about Public Health.

Stage 1 – Local Resolution - applies to complaints about Adult and/or or Children's Social Care and/or Public Health

Stage 2 - Where a complainant remains dissatisfied, following the outcome of their complaint, in accordance with the legislation, they can request their concerns are escalated to Stage 2. (*This stage does not apply to Adult Social Care complaints*)

Stage 3 – Review of the outcomes of Stage 1 and 2 – Independent Review Panel
This stage only applies to Children's Social Care complaints

Where a complainant remains dissatisfied with the response at stage 2, in accordance with the legislation they can request that their complaint be considered by an Independent Review Panel. The panel will consist of three independent persons, procured by the Council.

2. Non – statutory - Whilst the Council does not have a statutory duty to investigate complaints, in relation to all of the services it provides, the Local Government and Social Care Ombudsman recommends this as best practice. There are 2 stages in the Council's formal investigation process into non-statutory complaints.

Stage 1 – Local resolution of the complaint

Complaints are acknowledged and investigated by the Service the complaint refers to and the CCT currently have no involvement in non-statutory complaints at this stage.

Stage 2 – Formal investigation into the complaint

Where a complainant remains dissatisfied following the outcome of their complaint in accordance with Council Policy, they can request that their concerns are escalated to Stage 2 and, if appropriate, then the CCT will be responsible for investigating.

2.2.3 Resolution timescales

The following table represents the timescales for resolving a complaint either in accordance with legislation (*green*) or in accordance with Council policy (*amber*).

	Stage 1	Stage 2	Stage 3
Adult Social Care and Public Health	20 working days	Not applicable	Not applicable
Children’s Social Care	10 working days (an extension of up to an additional 10 working days is permitted)	25 working days (an extension of up to an additional 40 working days is permitted)	50 working days (Review Panel 30 working days from request; Chair’s report 5 working days from Review Panel; Director’s response 15 working days from Chair’s report)
All other Departments	20 working days	65 working days	Not applicable

2.3 Local Government and Social Care Ombudsman (LGSCO)

A complainant can refer to the LGSCO at any time after making their complaint; however, the LGSCO will not normally take any action until the Council’s own investigations have been concluded (immediately following the Stage 1 for Adult Social Care and Public Health complaints; following Stage 3 for Children’s Social Care, and following Stage 2 for all other complaints). During the financial year 2020/21, the LGSCO received 75 complaints regarding Bradford Council and closed 61 cases, of which 13 (21%) were upheld.

2.4 Operating Model

The Council’s operating model for recording, managing, investigating and responding to complaints has remained unchanged for a number of years.

The current model allocates responsibilities and ownership between Services / Departments and the Corporate Complaints Team (CCT).

2.5 Recording system

The mechanism for recording Council complaints is a combination of RESPOND, the Corporate Complaints Team stand-alone system and CIVICA, the corporate workflow system. All statutory complaints are currently logged and monitored by the CCT on RESPOND and Services/Departments are responsible for ensuring that they record and monitor any non-statutory complaints on CIVICA however it is unclear whether all complaints received by the Council are currently being recorded.

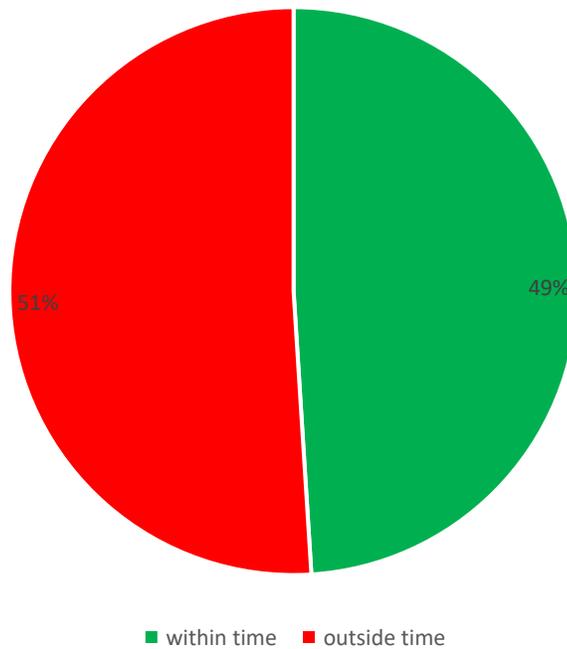
3.0 OTHER CONSIDERATIONS

3.1 Performance

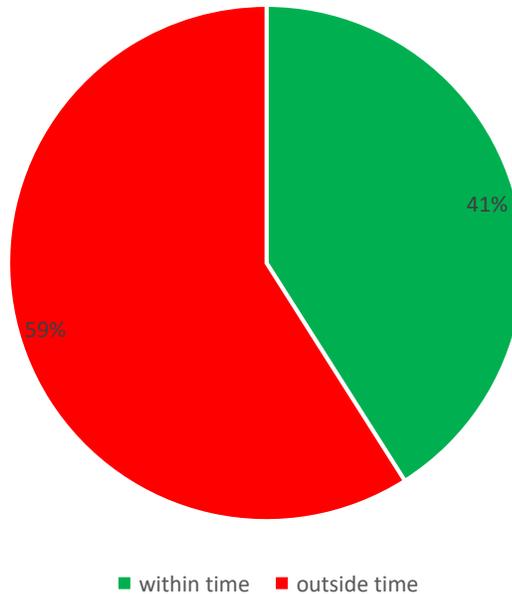
The following pie charts represent the Councils overall performance, in responding to the different complaint stages, within the prescribed timescales, for the year ending 31st March 2021. See Appendix 1 for full details of the numbers involved.



Formal Resolution Stage 1 responded to in timescale (20 working days)



Formal Resolution Stage 2 responded to in timescale (65 working days)



3.2 Key improvement actions

As demonstrated in the pie charts above, the Council is currently not fulfilling its obligations to respond to complaints within the timescales set out in legislation and /or Council policy and these performance concerns were recently brought to the attention of the Council's Corporate Management Team who have agreed to support the

recommendations for improvements, set out in a CCT Service Improvement Plan, as follows; -

- Introduction of specific complaints handling key performance indicators monitored at a senior level.
- Consistent recording of the complaints received by the different Departments and Services in the Council, to assure the reliability of the management information.
- Consideration of a single CRM solution which will incorporate complaints
- Equipping the CCT with the capacity and resources to support and drive improved Council wide complaint handling performance and to support the monitoring of trends to improve service delivery and/or reduce further complaints.
- Reviewing the current complaint handling operating model to ensure it is fit for purpose and supports the ambition to improve performance.
- Reaffirming responsibilities and accountabilities for complaint handling across Departments and Services.
- Assessing whether the improvement actions introduced in Information Governance, which gave rise to significant performance and process improvement, could be replicated within complaint handling with similar success.
- Reviewing the Councils complaint handling policy focussing on the timescales for responding to complaints ensuring that they are, realistic, achievable, comparable to neighbouring Councils whilst demonstrating the Councils ambition to substantially improve both response times and the quality of responses.
- Reviewing the content of all external and internal websites to ensure up to date information is available for employees and Service users.
- Ensuring all those involved in complaint handling have access to specialist advice, support, guidance, training and training material.

4. FINANCIAL & RESOURCE APPRAISAL

Additional resourcing is currently being considered to drive performance improvement Council wide.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The current performance levels for responding to complaints is leaving the Council at risk of increased referrals to the Local Government and Social Care Ombudsman (LGSCO) which, is a both a reputational and financial risk to the Council, as their investigation reports are made public and substantial compensation can be awarded to individual complainants. During the financial year 20/21 the Council has paid £18,100 in compensation or financial remedy in relation to 19 complaint cases.

6. LEGAL APPRAISAL

There are no additional legal issues. Complaint procedures and responses are required by law.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.3 COMMUNITY SAFETY IMPLICATIONS

None

7.4 HUMAN RIGHTS ACT

There are no Human Rights implications

7.5 TRADE UNION

There are no trade union issues arising from the contents of this Report.

7.6 WARD IMPLICATIONS

None

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

N/A

7.8 IMPLICATIONS FOR CORPORATE PARENTING

None

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

N/A

10. RECOMMENDATIONS

That the Committee notes the performance information contained within this report and

supports the ongoing improvement actions. A further report is provided in 6 months' time to update on progress made.

11. APPENDICES

Appendix 1 Performance Statistics 2020/21

12. BACKGROUND DOCUMENTS

Complaints Policy and Procedure

[..\Council Complaints Policy and Procedure.pdf](#)

Appendix 1 – Performance Statistics 2020/21

2020/21		Adult Social Care & Public Health	Childrens Social Care	All Other Departments	<u>TOTALS</u>
Pre Complaint (Stage 0)	Number received	65	144	247	<u>456</u>
	Resolved	98	174	299	<u>571</u>
	Resolved in timescale	26	30	112	<u>168</u>
	% resolved in timescale (within 2 working days)	27%	17%	37%	<u>29%</u>
Formal Resolution (Stage 1)	Number received	126	191	658	<u>967</u>
	Number of complaints responded to	137	187	422	<u>746</u>
	Responded to in timescale	18	32	317	<u>367</u>
	% responded to in timescale (within 20 working days)	13%	17%	75%	<u>49%</u>
Formal Resolution (Stage 2)	Number received	N/A	37	117	<u>154</u>
	Number of complaints responded to	N/A	25	100	<u>125</u>
	Responded to in timescale	N/A	11	41	<u>52</u>
	% responded to in timescale (within 65 working days)	N/A	44%	41%	<u>41%</u>