

# Report of the Director of Finance & IT to the meeting of the Governance & Audit Committee to be held on 22<sup>nd</sup> September 2022

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## Subject:

Complaints performance and activity report 2021-2022

## Summary statement:

The purpose of this report is to present the Council wide complaints performance and activity outcomes for the financial year ending 31<sup>st</sup> March 2022.

## EQUALITY & DIVERSITY:

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

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**Portfolio:**

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## 1. SUMMARY

The purpose of this report is to present the complaints performance and activity outcomes for the financial year ending 31<sup>st</sup> March 2022 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 complaints received from either Service Users, or someone else acting on their behalf, relating to 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*).

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

**2.3 Local Government and Social Care Ombudsman (LGSCO)**

The Commission for Local Administration runs the LGSCO who are an independent body funded by government grant with the Communities and Local Government department sponsoring their activities.

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). The LGSCO produces an annual report on the complaints made to them relating to the Council, the results of which are detailed in paragraph 3.2 below.

**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).

This may change with the introduction of the Childrens Trust in April 2023 where some of Childrens Services complaints may be in scope to transfer into the Trust.







## 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 on RESPOND along with LGSCO cases and some non-statutory complaints. Additionally, Services/Departments are responsible for ensuring that they record and monitor any non-statutory complaints on CIVICA.

## 3.0 OTHER CONSIDERATIONS

### 3.1 Performance

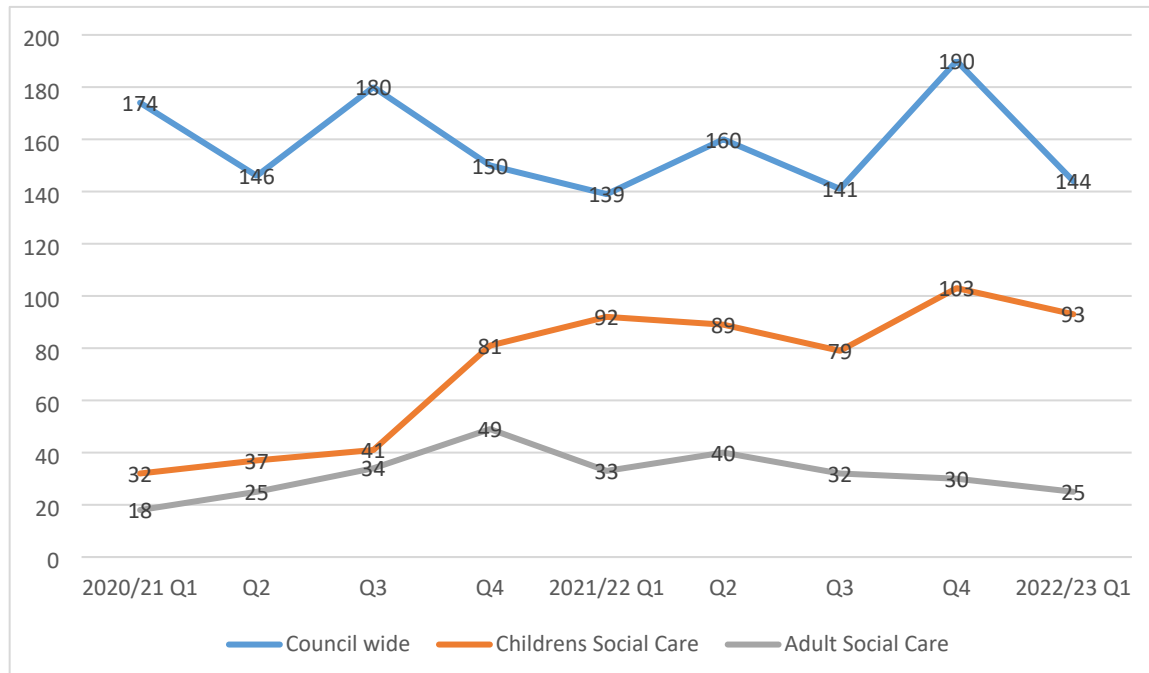
**Table 1 below** demonstrates that, in 2021/22, there have been marked improvements, some significant, in the Council’s complaint handling response times compared with 2020/21, some of which can be attributed to the implementation of the key actions as shown in paragraph 6.

<b>Table 1</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23 (Q1)</b> 1 <sup>st</sup> April 2022 to 30 <sup>th</sup> June 2022
<b><u>Complaints responded to in time</u></b>			
<b>“Pre-complaints”</b>	29%	36% 	36% 
<b>Stage 1 complaints</b>	49%	60% 	64% 
<b>Stage 2 complaints</b>	41%	74% 	77% 

As Table 1 above demonstrates the response time improvements have continued into Q1 of 2022/23 although clearly they do still require further improvement before they reach a level acceptable to both the Council and the LGSCO.

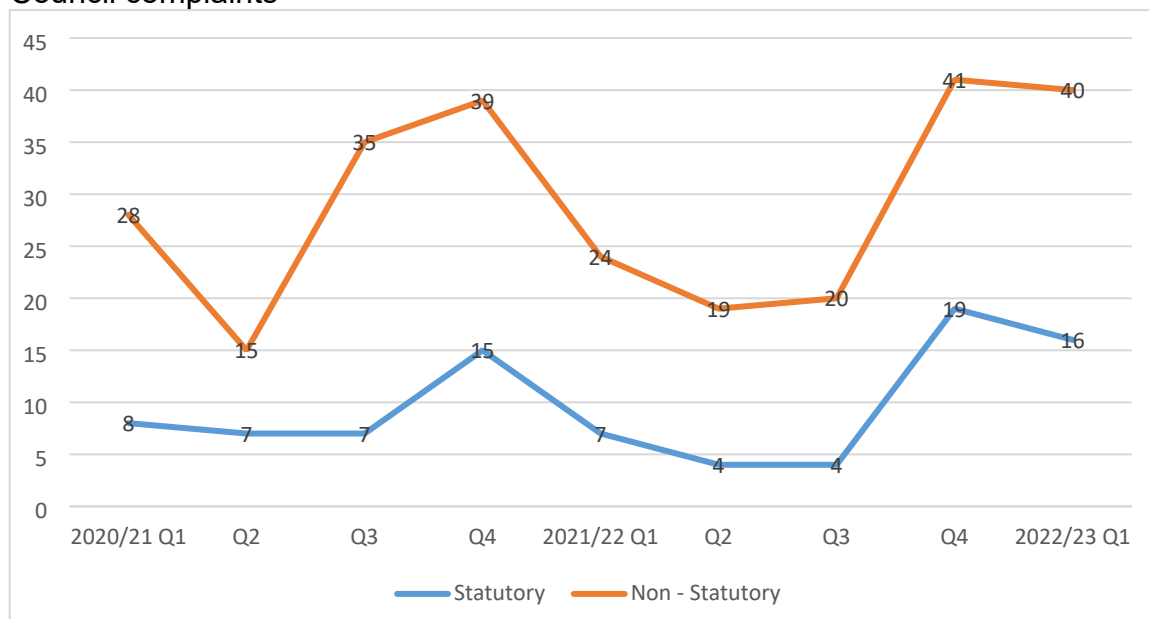
Given the increased volumes of complaints that the Council is currently receiving particularly for Childrens Services, there is a risk that the Council response times across all complaint handling could decline in the coming months and whilst further temporary resources have been recruited the volume of incoming complaints shows no signs of abating and therefore may impact ability to maintain and improve on the current levels of performance in this financial year and beyond.

**Graph 1 below** shows the number of Stage 1 complaints received by the Council in each quarter of the last two full financial years and Q1 of the current financial year broken down by statutory Childrens Social Care complaints, statutory Adult Social Care complaints and all other non-statutory Council complaints.



**Graph 1** demonstrates that whilst the number of statutory Adult Social Care complaints and the Council wide non statutory complaints received have remained stable over the last two years there have been significant increases in the statutory Childrens Social Care complaints received and this trend has continued into Q1 of the current year.

**Graph 2 below** shows the number of Stage 2 complaints received by the Council in each quarter of the last two full financial years and Q1 of the current financial year broken down by the total of Childrens Social Care statutory complaints and all other non-statutory Council complaints









Graph 2 above demonstrates that whilst the year on year totals remain fairly stable, in the last quarter of 2021/22 and the first quarter of the current financial year the trend is an upward one in both areas.

### 3.2 Local Government and Social Care Ombudsman (LGSCO) Annual Review

In July each year the LGSCO shares with every Council, and on line as public information, a summary of complaints they have received and an average marker of performance across similar Councils for comparison. The statistics focus on 3 key areas; -

1. **Complaints upheld** – The LGSCO uphold complaints when they find fault in the Councils actions, including where the organisation accepted fault before the LGSCO investigated. The total number of investigations completed is shared to provide important context for the statistic.
2. **Compliance with recommendations** – The LGSCO recommend ways for Councils to put things right when faults have caused injustice and monitor their compliance with LGSCO recommendations. The LGSCO suggest that failure to comply is rare and a compliance rate below 100% is a cause for concern.
3. **Satisfactory remedy provided by the authority** - In these cases, the Council upheld the complaint and LGSCO agreed with how the Council offered to put things right. The LGSCO encourage the early resolution of complaints and credit Councils that accept fault and find appropriate ways to put things right.

**Table 2 below** demonstrates the key annual LGSCO statistics for the current financial year along with the average marker of Council performance compared with the key annual LGSCO statistics for the financial year 2020/21

<b>Table 2</b>	<b>2020/21</b> Performance	<b>2021/22</b> Performance		<b>2021/22</b> Average marker	
		Actual	Compared to previous year	Average	Actual performance compared to average marker
<b>Complaints to the LGSCO*</b> <small>*data provided annually by the LGSCO</small>					
<b>LGSCO Complaints upheld</b>	83%	65%		68%	
<b>Compliance with LGSCO recommendations</b>	100%	96%		100%	
<b>Satisfactory remedy provided by the Council before reaching LGSCO</b>	5%	13%		11%	

**Table 3 below** demonstrates Bradford’s performance within the LGSCO annual review compared with neighbouring Council’s within West Yorkshire.

<b>Table 3</b>					
<b>Complaints to the LGSCO*</b> <small>*data provided annually by the LGSCO</small>	<b>Bradford</b>	<b>Calderdale</b>	<b>Kirklees</b>	<b>Leeds</b>	<b>Wakefield</b>
<b>LGSCO Complaints upheld</b>	65%	65%	47%	63%	57%
<b>Compliance with LGSCO recommendations</b>	96%	100%	100%	100%	100%
<b>Satisfactory remedy provided by the Council before reaching LGSCO</b>	13%	9%	30%	8%	8%

The above tables demonstrate that in 2021/22 whilst the Council has improved in the LGSCO annual review in 2 of the 3 areas, compared with 2020/21, performance falls short of the Councils West Yorkshire neighbouring authorities. Learning from these Councils is to be added to the 2022/23 Complaint Handling Improvement Plan.

Within the 2021/22 annual review the LGSCO expressed particular concern about the Council’s failure to implement the recommendations in 1 Childrens Services complaint resulting in the LGSCO receiving a further complaint about the Councils non-compliance for which both organisations now have to put in additional time and resource to resolve.

Additionally, the LGSCO expressed concerns about the time the Council took to respond to their enquiries and in some cases, where the information was provided, it was not what was requested or was inadequate causing further avoidable delays for complainants.

The concerns raised by the LGSCO are currently being addressed with the LGSCO Link Officer and the relevant Council Departments and any improvement actions will be added to the 2022/23 Complaint Handling Improvement Plan.

### 3.2 Key improvement actions

The Committee will recall that in November 2021 they were presented with a progress update on the key complaint handling improvement actions developed for the 2021/22 financial year. **Table 3 below** outlines the current position using a RAG rating.

<b>TABLE 3</b>	
1. Introduction of specific complaints handling key performance indicators monitored at a senior level.	A comprehensive suite of complaint handling KPI’s are now shared with the Council’s Management Team (CMT) monthly and Services / Departments quarterly.

<p>2. Consistent recording of the complaints received by the different Departments and Services in the Council, to assure the reliability of the management information.</p>	<p>Each Service / Department has a nominated champion, some of whom have received training on how to input complaints onto the preferred system. For statutory complaints i.e. those relating to Childrens or Adults Social Care and any Services who don't have a trained champion, the system recording is managed by the Corporate Complaints team.</p>
<p>3. Consideration of a single CRM solution which will incorporate complaints</p>	<p>The Council is contracted to a bespoke Complaint handling system currently and until the implications of complaint handling within the Childrens Trust are confirmed work on this has been paused.</p>
<p>4. 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.</p>	<p>3 additional permanent complaint handling staff have been added to the Complaints structure along with ad hoc Agency staff to clear backlogs of in particular Childrens Services Stage 2 investigations.</p> <p>Whilst some work has started on monitoring trends in conjunction with Services there is still more work to do</p>
<p>5. Reviewing the current complaint handling operating model to ensure it is fit for purpose and supports the ambition to improve performance.</p>	<p>Changes to the operating model were approved and implemented and the improvement in performance outturns and evidence the positive impact of the changes made in year</p>
<p>6. Reaffirming responsibilities and accountabilities for complaint handling across Departments and Services.</p>	<p>Most Services / Departments now have a complaint handling champion but there is still some work to do on engaging other Service employees involved in Complaints.</p>
<p>7. 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.</p>	<p>A number of process improvements have been successfully replicated from Information Governance e.g. reminder and escalation process.</p>
<p>8. 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</p>	<p>This work is currently paused due to the unprecedented number of Childrens Services complaints the Council has received since the announcement about the Childrens Trust etc. Whilst the timescales for these statutory complaints are set in legislation this does impact on</p>



to substantially improve both response times and the quality of responses.	the Council's ability to resource investigating, particularly Stage 2, for all other non-statutory complaints the Council receives.
9. Reviewing the content of all external and internal websites to ensure up to date information is available for employees and Service users.	The external websites have recently been reviewed and updated but the internal websites are yet to have a full review.
10. Ensuring all those involved in complaint handling have access to specialist advice, support, guidance, training and training material.	Whilst training material for complaint handling is available on the Councils internal website a full training needs analysis in respect of complaint handling needs to be carried out across Departments and Services.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

Approval for 3 additional complaint handling staff was given in 2021/2022 and at the current time the Corporate Complaints Team is made up of a substantive full time Manager, 1 Senior Officer, 4 Complaints Officers and 3 Complaints Support Officers. To assist with the current work there are additionally 3 temporary agency staff. As referred to in paragraph 3 if the Council is to improve complaint handling performance to an acceptable level and to comply with the recommendations of the LGSCO the management and response to complaints needs to be resourced appropriately.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

Whilst the current performance levels for responding to complaints has improved, further improvement is still required and following the receipt of the LGSCO annual review for 2021/22 the Council remains at risk of further intervention by the Local Government and Social Care Ombudsman (LGSCO), should it not implement the recommendations made and provide timely information to assist the LGSCO investigators in future.

During the financial year 2021/22 the Council has paid £5,650 in compensation or financial remedy in relation to 16 complaint cases but has not had to make any substantial compensation payments nor have any LGSCO public reports been about the Council.

#### **6. LEGAL APPRAISAL**

There are no additional legal issues. Complaint procedures and responses are required by law for statutory complaints and LGSCO recommended as best practice for non-statutory complaints.

#### **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 improvement information contained within this report and supports the key actions identified to ensure performance continues to improve.

## **11. APPENDICES**

**12. BACKGROUND DOCUMENTS**

None

## Appendix 1 – Performance Statistics last 2 financial years

Pre Complaint (Stage 0)	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	<u>2020/21 TOTALS</u>	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	<u>2021/22 TOTALS</u>	<u>Direction of Travel</u>
Number received	65	144	247	<u>456</u>	25	73	108	<u>206</u>	
Resolved	98	174	299	<u>571</u>	27	86	54	<u>167</u>	
Resolved in timescale	26	30	112	<u>168</u>	17	23	20	<u>60</u>	
% resolved in timescale (within 2 working days)	27%	17%	37%	<u>29%</u>	63%	27%	37%	<u>36%</u>	
Stage 1	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	<u>2020/21 TOTALS</u>	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	<u>2021/22 TOTALS</u>	
Number received	126	191	658	<u>967</u>	135	363	630	<u>1128</u>	
Number of complaints responded to	137	187	422	<u>746</u>	137	344	643	<u>1124</u>	
Responded to in timescale	18	32	317	<u>367</u>	75	211	386	<u>672</u>	
% responded to in timescale (within 20 working days)	13%	17%	75%	<u>49%</u>	55%	61%	75%	<u>60%</u>	

Stage 2	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	2020/21 TOTALS	Adult Social Care & Public Health	Childrens Social Care	All Other Departments	2021/22 TOTALS	
Number received	N/A	37	117	<u>154</u>	N/A	34	104	<u>138</u>	
Number of complaints responded to	N/A	25	100	<u>125</u>	N/A	21	123	<u>144</u>	
Responded to in timescale	N/A	11	41	<u>52</u>	N/A	18	88	<u>106</u>	
% responded to in timescale (within 65 working days)	N/A	44%	41%	<u>41%</u>	N/A	86%	72%	<u>74%</u>	