

Report of the Director of Finance & IT to the meeting of the Governance & Audit Committee to be held on 21st September 2023

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Subject:

Complaint Handling annual performance and activity report 2022-2023

Summary Statement:

The purpose of this report is to present the Council's complaint handling performance and activity outcomes for the financial year ending 31st March 2023.

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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1. SUMMARY

The purpose of this report is to present the Council's complaint handling performance and activity outcomes for the financial year ending 31st March 2023 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

The City of Bradford Metropolitan District Council is committed to providing an excellent standard of customer service and using valuable customer feedback to improve the services it delivers across the district.

This new annual report outlines the activity and performance related to the Council's complaint handling, including details of the findings published in the Local Government and Social Care Ombudsman (LGSCO) annual report for 2022/23.

3.0 OTHER CONSIDERATIONS

3.1 Key Complaint Handling Information

The following represents a summary of key information arising from the 2022/23 Complaint handling performance and activity report (*shown in full at Appendix 1*); -

- Over the last 3 financial years the Council has received, on average, **1237 complaints at all formal stages** per year **receiving 1317** (*above average*) in 2022/23. The Department of Children's Services received the most complaints in 2022/23.
- Over the last 3 financial years Council Departments have investigated, on average, **999 Stage 1 complaints** per year investigating **1126 Stage 1 complaints** (*above average*) in 2022/23.
- Over the last 3 financial years the Council's Complaints Team have investigated, on average, **144 Stage 2 complaint investigations** per year investigating **164 Stage 2 complaints** (*above average*) in 2022/23.
- In 2022/23 the **% of Stage 1 complaints** resolved within the timescales dropped by **1%** to **59%**, when compared to the previous financial year with only 2 of the Council's 5 Departments responding to more than **59%**, of all complaints received, within the timescales.
- In 2022/23 the **% of Stage 2 complaint investigations** concluded within the timescales dropped by **9%** to **65%**, when compared to the previous financial





year. This was due to the significantly increased numbers of statutory Stage 2 complaints received about Childrens Services.

- In 2022/23 **27%** of **Stage 1** and **16%** of **Stage 2 complaint investigation outcomes*** excludes children's social care resulted in a finding of some fault on the part of the Council.

3.2 Key Performance Outcome summary

Table 1 below represents a snapshot of key performance outcomes arising from the 2022/23 performance and activity report and an indication of the direction of travel in the first quarter of 2023/24.

Note – For accurate comparison purposes Childrens Social Care has been removed following their transfer to the Bradford Children and Families Trust on 1st April 2023.

	2022/23	2023/24 (Q1)
% of complaints responded to within timescale		1st April 2023 to 30th June 2023
Stage 1	63%	68% 
Stage 2	79%	82% 
% Uphold rate* <small>*Includes partially upheld</small>	2022/23	2023/24 (Q1)
Stage 1	27%	39% 
Stage 2	17%	21% 

Whilst Table 1 above demonstrates that the % of complaints responded to, within both stages of the complaints process, has improved in Q1 of 2023/24 further performance improvement is required to ensure that the Council maintains an effective and efficient complaint handling process.

Maintaining and/or improving on this level of performance, however, may be difficult

given the increasing number of complaints that the Council is receiving in 2023/24.
















*For example, in Q1 of 2023/24 the Council received **50** Stage 1 statutory complaints relating to Adult Social Care compared to **25** in Q1 of the previous financial year. This represents a significant increase and should this increase continue throughout the year it will impact on the resources of both the Adult Social Care Department and the Council's Complaints team.*

Whilst work is currently underway between the Department and the Council's Complaints Team to understand the increase and what measures need to be put in place to reduce the number of complaints, any measures are unlikely to have an immediate impact on performance and therefore consideration is being given for additional temporary resources to support the Department to investigate the increased volume of statutory Stage 1 Adult Social Care complaints and avoid any negative impact on the ability of the Council Complaints Team to support complaint handling for all other Council Departments.

Additionally, the chart above demonstrates a rising uphold rate in Q1 of 2023/24 and this will be further analysed to determine the root cause and consider options to mitigate.

3.3 LGSCO annual review 2022/23

Whilst the report at Appendix 1 details the Council's individual performance following the LGSCO annual review, **Table 2 below** demonstrates the Council's performance in the review compared with neighbouring Council's within West Yorkshire highlighting any improvements or deteriorations from the review in 2021/22.

	Bradford		Calderdale		Kirklees		Leeds		Wakefield	
	21/22	22/23	21/22	22/23	21/22	22/23	21/22	22/23	21/22	22/23
LGSCO Complaints upheld	65%	76% 	65%	75% 	47%	69% 	63%	69% 	57%	71% 
Compliance with LGSCO recommendations	96%	100% 	100%	100% 	100%	100% 	100%	100% 	100%	100% 
Satisfactory remedy provided by the Council before reaching LGSCO	13%	0% 	9%	7% 	30%	9% 	8%	14% 	8%	40% 

4. FINANCIAL & RESOURCE APPRAISAL

In 2022/23 the Corporate Complaints Team was made up of a substantive full time Manager, 1 Senior Officer, 4 Complaints Officers and 3 Complaints Support Officers. To assist with complaint handling workload peaks 3 additional temporary Complaint Officers, recruited via agency, have been employed on an ad hoc basis over the year.

At the start of the current financial year a number of complaint handling staff were TUPE'd to the Bradford Children and Families Trust leaving the Council with a Manager, a Senior Officer, 1 Complaints Officer and 2 Complaints Support Officers. 1 additional temporary Complaint Officer, recruited via Agency, is currently employed to assist with the increased volumes of complaints received.

Given this increase in complaints it is unlikely that current levels of resourcing will be sufficient to ensure that the Council achieves improved performance outcomes in the coming year and whilst reliance on a temporary resource to manage peaks will need to continue, should increasing volumes become the norm then a more permanent resource solution will need to be considered.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

Significant performance improvement across all aspects of complaint handling is still required if the Council wants to minimise the risk of intervention by the Local Government and Social Care Ombudsman (LGSCO).

The Council's performance, published in the latest LGSCO annual review, has not improved and whilst it is no better or worse than that of its West Yorkshire neighbours it presents further evidence that the Council remains at risk of an intervention and/or being directed to pay large amounts of financial remedy to individual complainants.

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 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

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

Appendix 1 - Annual Complaints Performance & Activity Report 2022/23

12. BACKGROUND DOCUMENTS

None

Appendix 1

Annual Complaint Handling Performance & Activity Report

2022/2023

1.0 Introduction

The City of Bradford Metropolitan District Council is committed to providing an excellent standard of customer service and using valuable customer feedback to improve the services it delivers across the district.

This annual report, provided by the Council's Complaints Team (CCT), outlines the activity and performance related to the Council's complaint handling, providing assurance that all complaint handling related matters across the Council are being effectively managed.

The report reflects on the work undertaken during **the financial year ending 31st March 2023** and highlights the progress made; where improvements are required to ensure compliance with policy and / or legislation and details the plans in place to minimise risk and improve performance.

2.0 The Council's Complaint Handling process

2.1 Definition of a complaint

The Council has complaint handling procedures and a policy which define a concern or complaint 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.*

The policy and this report **do not** cover the following:

- Complaints from Council employees (*current or former*), trainees, apprentices, or persons on work placements, regarding working conditions, pay or any other internal grievance or staffing dispute.
- Complaints about any aspect of the Council's recruitment process.
- Complaints about Elected Members of Council.
- Complaints about the internal services provided by one Service / Department to another.
- Complaints from external agencies/organisations unless made on behalf of and with the consent of the complainant.
- Complaints from suppliers of services to the Council or those working in partnership with the Council.
- Complaints about missed bin collections, faulty streetlights, fly tipping, dog fouling, noise nuisance etc., in the first instance, as these will be dealt with as a "service request" by the relevant Council Department.
- Where there is a recognised formal process for dealing with the dissatisfaction of a decision, such as a formal appeal route or a claim for damages.
- Complaints about the handling of information requests, under the Freedom of Information (FOI), Environment Information (EIR) or Data Protection Act.
- When the complainant has stated, in writing, to the Council that they are taking, or intending to take, legal proceedings.
- Complaints regarding fraud or misuse of Council property

2.2 Making a Complaint

The Council will accept a complaint from a person (or anyone acting on behalf of a person who has the appropriate authority and full consent), in any of the following formats: -

- Email to complaint.officer@bradford.gov.uk
- Via the Council's website [Make a complaint about Bradford Council | Bradford Council](#)
- Letter
- Telephone call
- In person – any Council office

Graph 1 below represents the total number of **all formal** complaints recorded over the last 3 financial years.

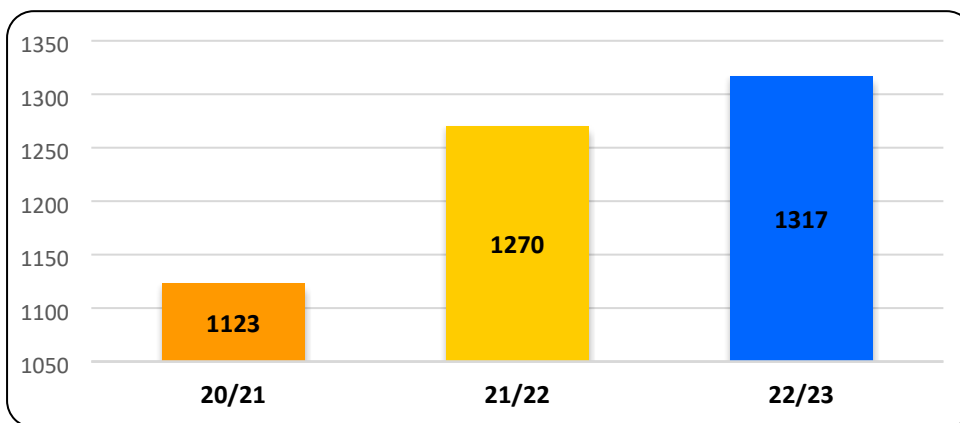
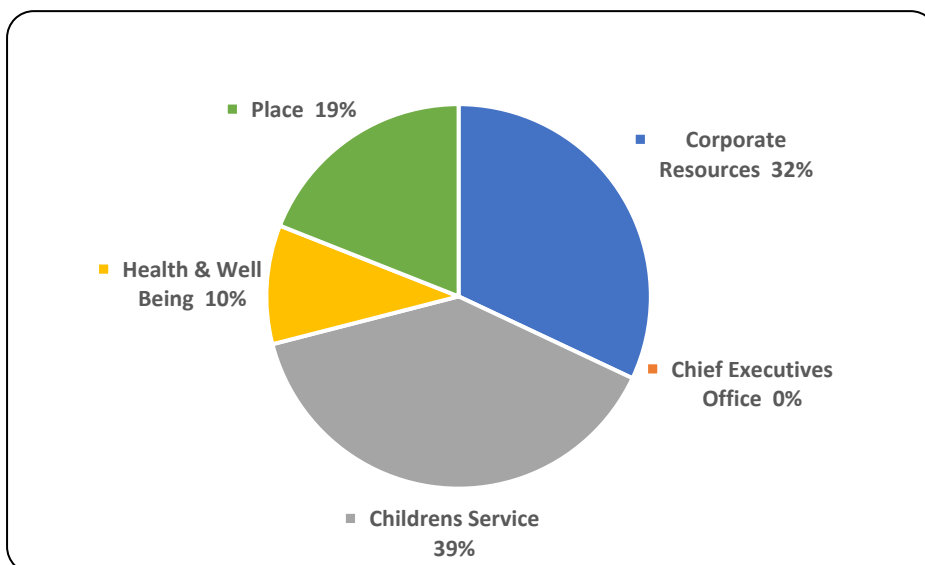


Chart 1 below represents the complaints received in 2022/23 broken down by Council Department

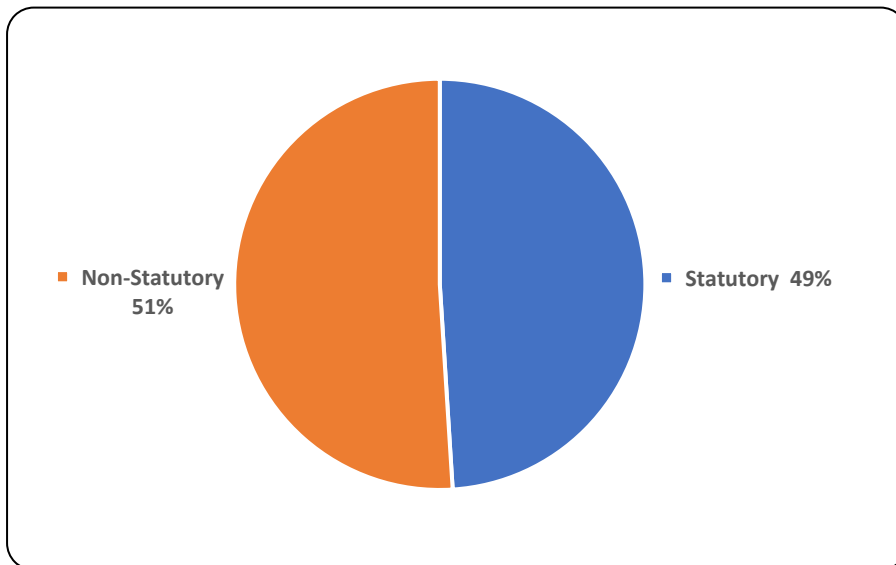


2.3 Complaint investigation

Complaints received are normally grouped and recorded as follows:-

1. **Informal** - also referred to as a “pre-complaint” normally represents concerns which are considered by the receiving Service, or the Corporate Complaints Team (CCT), as requiring little or no investigation and are able to be resolvable quickly, usually **within 5 working days**.
2. **Formal** represents concerns that are considered to require an investigation and they fall into two categories:-
 - **Statutory** i.e. Those complaints which the Council must investigate by law
 - **Non - statutory** i.e. Those that whilst the Council does not have a statutory duty to investigate it is recommended, by the Local Government Ombudsman, as best practice.

Chart 2 below represents the % of formal complaints received in 2022/23 broken down by category



2.4 Stages of a complaint investigation

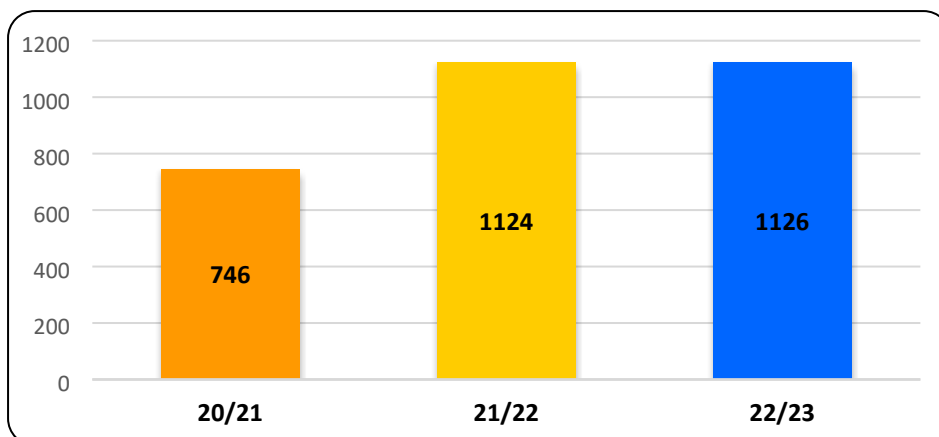
Table 1 below details the investigation stages for all types of formal complaint

Type	Category	Stage	
Adult Social Care	Statutory	1	Investigated by Managers within the relevant Service area with assistance from the Corporate Complaints Team (CCT).
Childrens Social Care			

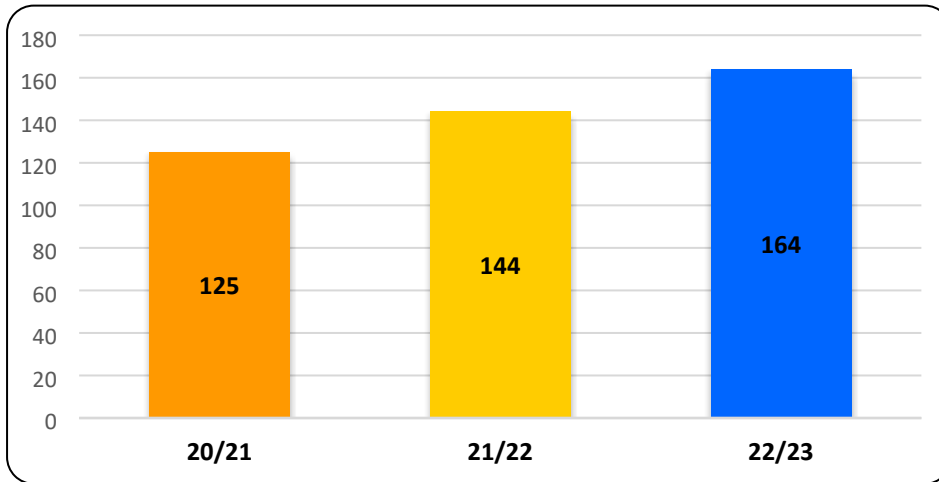
Public Health			
All other complaint types	Non - statutory		
Adult Social Care	Statutory	N/A	Where a complainant remains dissatisfied following the outcome of their original complaint there is no Stage 2 included in the legislation governing these complaints and complainants will normally be referred to the Ombudsman.
Childrens Social Care	Statutory	2	Where a complainant remains dissatisfied following the outcome of their original complaint, these escalated complaints are investigated by the CCT. In Childrens Social Care cases there will also be an independent person procured by the Council.
Public Health			Where a complainant remains dissatisfied following the outcome of their original complaint, these escalated complaints are investigated by the CCT.
All other complaint types	Non - statutory		
Childrens Social Care	Statutory	3	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.

2.5 Complaint resolution

Graph 2 below represents the total number of **Stage 1 complaints** resolved in the last 3 financial years



Graph 3 below represents the total number of **Stage 2 complaints** resolved in the last 3 financial years



2.5.1 Formal resolution timescales

Table 2 below 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 <i>(An extension of up to an additional 10 working days is permitted)</i>	25 working days <i>(An extension of up to an additional 40 working days is permitted)</i>	50 working days <i>(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)</i>
All other complaints	20 working days	65 working days	Not applicable

Graph 4 below represents the % of **Stage 1 complaints** concluded within the timescales (outlined above) in the last 3 financial years.

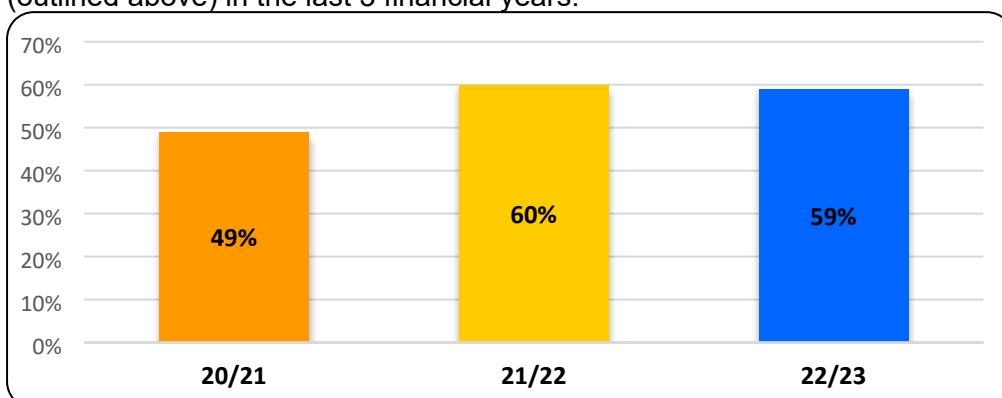
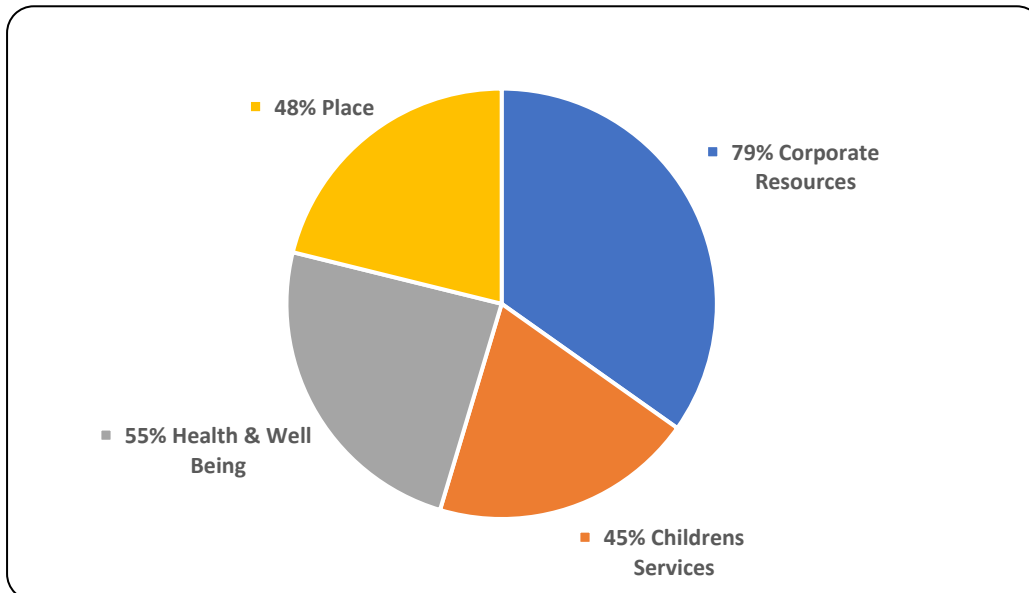
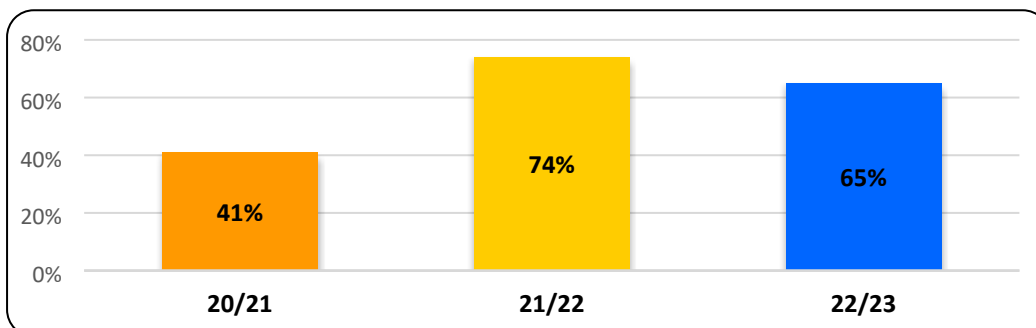


Chart 3 below represents the % of **Stage 1 complaints** concluded within the timescales in 2022/23 by Council Department



Graph 5 below represents the % of **Stage 2 complaints** concluded within the timescales, over the last 3 financial years



2.5.2 Formal complaint investigation outcomes

Complaint investigation outcomes normally fall into the following **3** categories:-

1. **Not upheld** – The investigator found **no fault** in the Council's actions
2. **Partially upheld** – The investigator found **some fault** the Council's actions
3. **Upheld** – The investigator found **fault in all** of the Council's actions

Chart 4 below represents the % of concluded Stage 1 complaints in 2022/23 by outcome
(Does not include Childrens Social Care complaints)

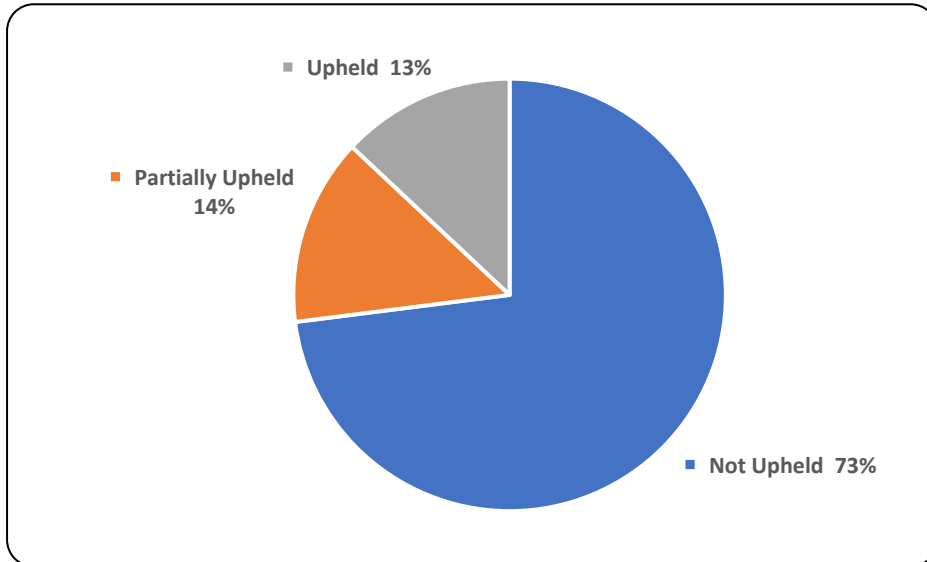
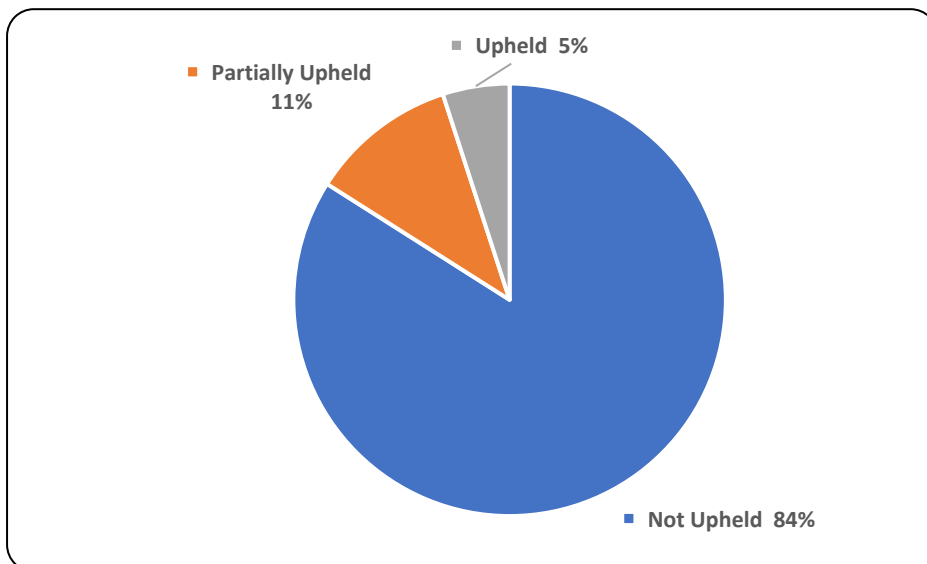


Chart 5 below represents the % of concluded Stage 2 complaints in 2022/23 by outcome
(Does not include Childrens Social Care complaints)



2.5.3 Financial remedy

If the Council finds that injustice has been caused at any stage of a complaint investigation then a remedy which is proportionate, appropriate, and reasonable based on all the facts of the case will be offered. Remedies may include a letter of apology, a review of the procedure or policy used, a review of a process to deliver a service and, in exceptional circumstances, a payment which will often be a modest amount where the value is intended to be largely symbolic rather than financial. No such payments were made in 2022/23.

3.0 The 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 6.0 below.

3.1 LGSCO Annual Performance Summary

In July each year the LGSCO shares with every Council, and online 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 3 below demonstrates the key annual LGSCO statistics for last two financial years and whether performance has improved or deteriorated.





	2021/22	2022/23	
LGSCO Investigations	46	34	
LGSCO Upheld Decisions	30 (65%)	26 (76%)	
Compliance with LGSCO recommendations	96%	100%	
Satisfactory remedy provided by the Council before reaching LGSCO	13%	0%	

Table 4 below demonstrates the Council's performance against the key LGSCO statistics in 2022/23 compared with the average of all similar Councils.

	2022/23	2022/23 Average – Similar Councils
LGSCO Complaints upheld	76%	77%
Compliance with LGSCO recommendations	100%	99%
Satisfactory remedy provided by the Council before reaching LGSCO	0%	10%

3.2 LGSCO Financial remedy

When someone has suffered an injustice the LGSCO tries to put them back into a position where they would have been had that error not occurred, with a focus on restoring services that have been denied and taking practical steps to put things right.

They can recommend a remedy when they find that fault has caused unremedied injustice known as personal remedy.

When the LGSCO decide that an organisation need to learn from the fault to prevent likely injustice to others in the future, they can recommend the action that the organisation needs to take known as service improvement. In almost all cases the LGSCO publish service improvement remedies on their website.

In 2022/23 the LGSCO issued the Council with a service improvement notice regarding an Adult Social Care complaint and published this notice on their website. The Council accepted the LGSCO's recommendations in this case and paid the recommended personal remedy.

In 2022/23 the Council made financial remedy, following recommendation by the LGSCO, in 11 cases totalling £10,971.

4.0 Key improvement actions implemented in 2022/23

<p>1. Reaffirming responsibilities and accountabilities for complaint handling across Departments and Services to improve performance</p>	<p>All Services now have a complaint handling champion known as a “link officer “. Network meetings have been held to provide them with support and advice to be cascaded through the services they represent.</p> <p>Detailed annual complaint handling performance reports issued to all Council Departments</p>
<p>2. 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.</p>	<p>The Council’s complaint handling policy was reviewed and relaunched but the timescales for responding to complaints are yet to be reviewed.</p>
<p>3. Reviewing the content of all external and internal websites to ensure up to date information is available for employees and Service users.</p>	<p>All external websites have been reviewed and updated.</p>
<p>4. Ensuring all those involved in complaint handling have access to specialist advice, support, guidance, and training material.</p>	<p>A bespoke training package “Effective Complaint Handling” was delivered to all Managers within Adult Social Care with a view to rolling out Council wide in 2024/25</p>
<p>5. Reviewing all complaint handling policies and procedures</p>	<p>Updated complaint handling guidance for Elected Members was distributed. All policies and procedures reviewed and refreshed where appropriate including Council policy on managing Vexatious Complainants.</p> <p>New monitoring procedure introduced to ensure that where any learning is identified in a complaint outcome, this is actioned by the relevant service.</p>
<p>6. Ensuring a smooth transition to the Bradford Children and Families Trust in relation to complaint handling</p>	<p>A joint working protocol has been agreed between the Council and the BCFT in relation to LGSCO (ombudsman) cases and the LGSCO link officer gateway.</p>

5.0 Conclusion

Overall, the Council's complaint handling performance has not improved compared with the previous financial year. The Council's response rate to Stage 1 complaints has plateaued and responses to Stage 2 have dipped. This is likely due to a combination of the increased volume of Stage 2 Childrens Social Care complaints received in the last financial year and the obvious disruption to complaint handling that the preparation for transfer to the Bradford Children and Families Trust (BCFT) caused.

Considerable work to improve the time taken to investigate complaints and to ensure that complaint outcomes are being fed into improved service delivery, as a default, is required. If the optimum level of resources are maintained and the list of key improvement actions outlined in paragraph 6.0 are actioned, then confidence that performance will improve remains high.

6.0 Key improvement actions for 2023/24

<p>1. Improve complaint handling performance</p> <ul style="list-style-type: none"> - Ensure that the timescales for responding to complaints are, realistic, achievable, comparable to neighbouring Councils whilst demonstrating the Councils ambition to substantially improve both response times and the quality of responses. - Benchmark performance with other comparable Council's and identify any learning
<p>2. Ensure effective complaint handling remains a priority for Council Departments and Services</p> <ul style="list-style-type: none"> - Develop a Complaint Handling Newsletter for circulation - Introduce regular performance and activity reporting to Council Senior Management teams (written and verbal) - Review the content of all internal websites to ensure up to date information is available for employees including creating a bespoke site for all Link Officers - Roll out the "effective Complaint Handling" learning to all Council Managers
<p>3. Reduce the numbers of complaints received</p> <ul style="list-style-type: none"> - Produce regular root cause analysis system reports - Ensure outcomes of complaints result in improved service delivery - Investigate and develop solutions to reduce escalation to Stage 2 - Investigate and develop solutions to the increasing uphold rate
<p>4. Improve performance in LGSCO annual review</p> <ul style="list-style-type: none"> - Analyse the results of the 2022/23 review and develop and implement key improvement actions