

**Report of:** Director of Legal and Governance Services (Monitoring Officer)**Submitted to:** Corporate Affairs and Audit Committee, 31 March 2022**Subject:** Complaints 2018-21 and lessons learned**Summary****Proposed decision(s)**

That the Committee notes the complaints statistics and trends, the outcomes and lessons learned from these, and planned actions to further strengthen the management of complaints over the next 12 months.

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Is the report urgent?</b>
Information	N/A	No	N/A

**Contribution to delivery of the 2021-24 Strategic Plan****People****Place****Business**

Good practice in complaints handling across will ensure a good customer experience for residents and that the Council improves services and avoids repeated errors.

**Ward(s) affected**

None.

## What is the purpose of this report?

1. This report summarises complaints received from the Council's customers in the period 2018-21, alongside their outcomes and the lessons learned by the Council.

## Why does this report require a member decision?

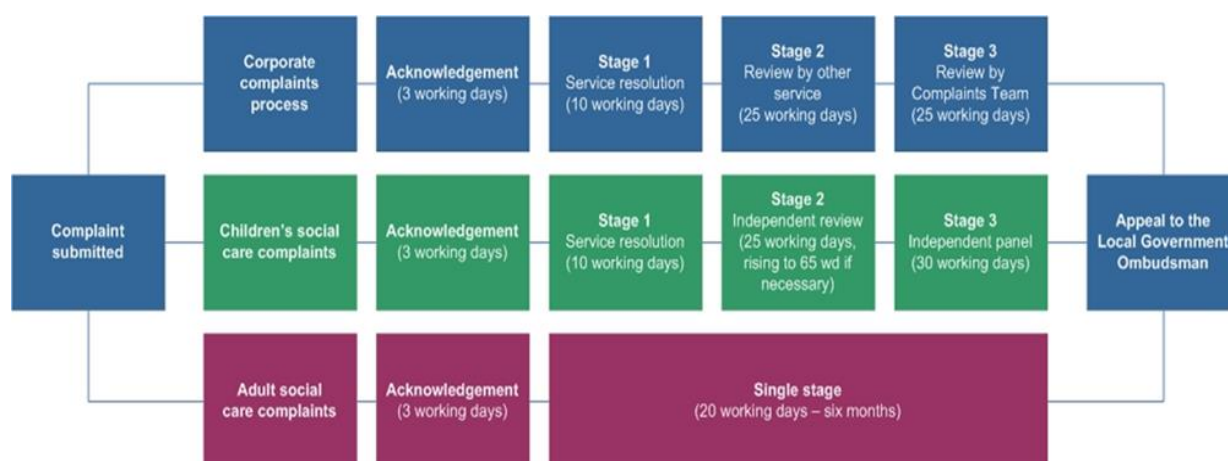
2. As set out in its Customer Strategy, the Council is committed to providing excellent customer service. It welcomes customers' views on its services and is committed to learning from these to improve performance.
3. Formerly within the remit of Standards Committee, it is now within the terms of reference of this Committee to be provided with an annual assurance report that outlines the governance in place to ensure complaints are managed in line with good practice and the expectations of the Local Government and Social Care Ombudsman (LGSCO).
4. This report provides the necessary information to enable the Committee to discharge this responsibility, setting out:
  - a summary of the complaints procedures used by the Council;
  - key statistics on local complaint volumes and outcomes between 2018-2021;
  - a summary of complaints escalated to the LGSCO during these years;
  - lessons learned from consideration of complaints received; and
  - resulting actions to be taken in the future.
5. This report has not been presented to members for some years due to the disruption caused by COVID-19 but henceforth will be reinstated as an annual report on the Committee's forward plan.

## Report Background

### Complaints procedures

6. A complaint is defined by the LGSCO as "*an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.*"
7. The Council is required to operate three distinct complaints procedures:
  - a corporate procedure – based on practice recommended by the LGSCO, but largely determined by the Council; and
  - two separate procedures for adult social care and public health and children's services that are driven by statutory regulations outlining the specific steps to be taken and timescales for responses.

8. The stages and associated timescales for completion of these three procedures are outlined in the graphic below:



9. During COVID-19 Stage 2 of the corporate complaints procedure has been suspended as the likelihood of securing sufficient independent internal investigators was very low.

10. Where a complainant remains dissatisfied, they can refer the complaint to the LGSCO for review and possible investigation (with this determined by the LGSCO itself).

11. Where a complaint is partially upheld or upheld, either by the Council or via the LGSCO, an apology and a remedy is necessary. Where the complainant has experienced distress or financial loss, a payment may be required and the Council follows LGSCO guidance on these matters.

12. Some complaints and appeals are addressed through separate procedures, including:

- a complaint about a school;
- a complaint about councillor misconduct;
- a complaint about staff misconduct;
- whistleblowing;
- a potential insurance claim;
- a potential data protection breach;
- an appeal against a parking penalty charge notice;
- an appeal relating to request for information;
- an appeal against refusal of planning permission; and
- an appeal about school admission or exclusion.

13. The complaints team oversees the management of all corporate complaints and will direct complaints that require another process as required e.g. complaints about a councillor will be directed to the standards complaints procedure.

## Complaints numbers and outcomes

### *Complaints by volume and procedure used and outcomes*

14. Total numbers of complaints always represent a very small fraction of transactions undertaken by a Council during the year. The LGSCO advises that complaint volumes and trends are in themselves are no indication of organisational health or of the

performance of individual services but that high volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Conversely, low complaint volumes can be a sign that an organisation is not receptive to user feedback.

15. As such, the Council does not set targets around the volume of complaints, with the key point being to learn from complaints received to address any genuine performance issues raised and communicate the action taken to customers.
16. The total number of corporate complaints recorded by the Council practically doubled between 2018/19 and 2020/21, with a 35% rise in the proportion of complaints upheld or partially upheld, as set out below.

Procedure	2018/19		2019/20		2020/21	
	Complaints	% upheld / partially upheld	Complaints	% upheld / partially upheld	Complaints	% upheld / partially upheld*
Corporate	566	30.7%	1,148	45.7%	1,016	43.6%
Children's	67	47.8%	58	53.4%	67	49.2%
ASC / Public Health	26	42.3%	30	33.3%	16	13.3%
<b>Totals</b>	<b>659</b>	<b>31.7%</b>	<b>1,236</b>	<b>45.7%</b>	<b>1,099</b>	<b>42.9%</b>

\*figures exclude complaints that had not yet been determined when data was calculated.

17. While clearly COVID-19 has impacted upon complaints, but this growth in complaints began prior to the pandemic in 2019/20, and has been driven by a significant increase in recorded corporate complaints and upheld complaints regarding missed household waste collections, as set out in the section below.
18. The number of cases dealt with under statutory processes was largely static, with both a reduction in the number and proportion upheld or partially upheld complaints about adult social care.
19. During 2020/21, following discussions with the LGSCO, the Council reviewed its policy on the criteria used to decide whether complaints regarding Children's Services are determined through the corporate complaints procedure or the statutory procedure. As a result, more complaints are likely to go through the statutory procedure in future. This change may have cost implications in the short term (much of the Children's procedure has to be done by independent, external parties) though improved relationships with parents through improved practice in the longer-term should stabilise any such increase.

#### *Complaints by category and outcomes*

20. The Council records complaints against LGSCO categories to ensure comparability across years that may be reduced by the movement of services between Directorates. However, there is a general read across between these categories and the Council's service structure, though it should be noted that 'Environment and Regulation' includes public protection, as well as traditional environmental services.
21. The top three complaints categories have continued to remain the same over the last three years. As may be obvious, the categories with the highest number of complaints are typically those with the most contacts with customers, and as such the top three

categories of complaints within the Council were unchanged during 2018-21, with complaints about Environment and Regulation increasing significantly and forming the majority of complaints by volume by the end of the period.

22. Benefits and Tax and Education and Children’s were the other categories in the top three. By the end of the period, Education and Children’s had moved into second place over Benefits and Tax – this is likely to reflect performance improvements in Revenues and Benefits, but also in Children’s Services – where the specific focus on complaints within the Ofsted improvement plan is likely to encourage complaints that may in the past have not been made.

Category	2018/19		2019/20		2020/21	
	Complaints	% upheld / partially upheld	Complaints	% upheld / partially upheld	Complaints	% upheld / partially upheld
Environment and Regulation	192	32.8%	612	53.3%	615	53.0%
Benefits and Tax	139	40.3%	166	31.9%	136	28.7%
Education and Children’s	115	38.3%	148	47.3%	180	39.4%
Corporate and other	85	18.8%	157	33.8%	88	28.4%
Highways and Transport	84	25.0%	109	47.7%	54	20.4%
Adult Social Care	36	22.2%	33	33.3%	19	5.3%
Planning and Development	6	0%	6	0%	4	25%
Public Health	2	50%	5	0%	3	33%
<b>Totals</b>	<b>659</b>	<b>31.7%</b>	<b>1,236</b>	<b>45.7%</b>	<b>1,099</b>	<b>42.9%</b>

23. The proportion of complaints upheld or partially upheld grew significantly during the period, driven largely by the increase in the proportion of complaints upheld or partially upheld within Environment and Regulation.

24. The main reasons for Environment and Regulation complaints were:

- general waste not collected;
- delays to delivery of new or replacement bins;
- missed assisted bin collections;
- changes to green waste collection schedules and service suspension; and
- changes during to access rules for the Haverton Hill recycling site.

25. While roads and footpaths are anecdotally much-complained-about in Middlesbrough this is not reflected in the figures presented in this report. This is because reports are more likely to be forwarded to the Council’s insurance team for resolution rather than be treated as a corporate complaint.

26. While the COVID-19 pandemic adversely affected the Council’s ability to collect general waste and also to implement service improvements that had previously been agreed following complaints regarding missed collections, the increase in the number of complaints remained very significant.

27. As such, further analysis of the figures was undertaken during 2021/22 and this identified that first time contacts around missed collections had been erroneously recorded as complaints, rather than service requests as required by the Council's corporate complaints policy (in which only repeated missed collections are classed as complaints).
28. While this does not account for the entire growth in complaints within Environment and Regulation, improved recording practice will see numbers of recorded complaints in this area fall during 2021/22. However this does not minimise the inconvenience to customers caused by missed collections and a number of changes have now been implemented by Environmental Services to address this issue, including implementation of a digital 'in cab' system to improve frontline access to data on which households require an assisted collection and tracking of whether this has been done, and improved speed of ordering replacement bins.
29. The suspension of green waste collections and changes to access rules at Haverton Hill were made to protect service capacity and public health during the pandemic period and as such were unavoidable. As the pandemic progressed, operational changes were introduced to reduce the likelihood of rounds being adversely affected by staff absence from COVID-19.
30. Complaints in relation to Education and Children's related largely to:
- poor communication from a social worker;
  - perceived lack of financial support for a child or young person; and
  - accuracy of recorded information about a customer.
31. Children's Services have implemented several changes to processes in response to these issues, including the implementation of weekly clinics to review open complaints and increase focus on the early resolution of complaints. In addition, the RAD team manager oversees collation of lessons learned from complaints and ensures appropriate action is taken within the department. Analysis of complaints also feeds through to the learning and development offer to social workers, upskilling them in areas such as communications. The department also has robust audit process in place to assess the standard of safeguarding casework, which will impact positively on the number of cases upheld in future.

### **Timeliness of complaints handling**

32. Timeliness of determining complaints is vital to the customer experience. Targets for each stage of the corporate and statutory procedures are set out at paragraph 8. Performance for closure in time overall by category are set out below and show a significant improvement between 2019/20 and 2020/21 (there is no information for 2018/19 due to system changes in that year). The Council's target is for a 90% completion rate and it is anticipated that this will be achieved following the implementation of future actions set out in this report.

Category	2019/20		2020/21	
	Complaints	% closed in time	Complaints	% closed in time
Environment and Regulation	612	68.8%	615	90%
Benefits and Tax	166	51.8%	136	81.6%
Education and Children's	148	30.6%	180	34.8%
Corporate and other	157	75.5%	88	71.6%
Highways and Transport	109	79.8%	54	81.5%
Adult Social Care	33	57.6%	19	70.6%
Planning and Development	6	16.7%	4	75.0%
Public Health	5	100%	3	66.7%
<b>Totals</b>	<b>1,236</b>	<b>61.2%</b>	<b>1,099</b>	<b>77.5%</b>

33. In 2019/20 the Council began to capture information on the number of complaints that could be resolved rapidly using an informal 'early resolution' process i.e. within the formal acknowledgement period of three days. While not suitable for all complaints, the Council aims to resolve as many complaints as possible through early resolution to maximise the opportunity to put things right quickly.

34. In 2019/20, 238 complaints were resolved using this process, although this dipped in 2020/21 to 189, due in part to the suspension of relevant services such as parking enforcement during the pandemic.

### Complaints escalated to LGSCO

35. During the past three years, the Council has continued to resolve the great majority of complaints within Stage 1 of its procedures, with the number of complaints progressing to the LGSCO (including invalid and incomplete cases) remaining at a static low level and (given the growth) a declining fraction of overall caseload.

Year	Incomplete or Invalid	Advice given	Referred back for local resolution	Closed after initial enquiries	Not Upheld	Upheld	Total	Outstanding cases
2018/19	0	0	10	10	4	3	27	7
2019/20	4	0	10	16	3	4	37	10
2020/21	2	0	9	17	4	3	35	7

36. This position is broadly comparable with Tees Valley neighbours, as illustrated by the tables below.

Local authority	2018/19		2019/20		2020/21	
	Complaints to LGSCO	Investigations	Complaints to LGSCO	Investigations	Complaints to LGSCO	Investigations
Middlesbrough	27	7	37	7	35	7
Darlington	33	15	19	7	11	6
Hartlepool	25	5	17	9	8	4
Redcar and Cleveland	28	10	14	4	12	7
Stockton-on-Tees	48	13	24	10	14	9

Local authority	2018/19		2019/20		2020/21	
	Upheld	Not upheld	Upheld	Not upheld	Upheld	Not upheld
Middlesbrough	3	4	4	3	3	4

Darlington	11	4	6	1	4	2
Hartlepool	1	4	3	6	3	1
Redcar and Cleveland	5	5	1	3	5	2
Stockton-on-Tees	5	8	6	4	4	5

37. In 2020/21, 43% of complaints about the Council investigated by the LGSCO were upheld, comparing favourably with an average of 63% in similar authorities.

38. The LGSCO publishes annual reports for each local authority on its website: <https://www.lgo.org.uk/your-councils-performance/middlesbrough-borough-council/annualletters/>. It should be noted that, because of differences in timing, it is not possible to make direct comparisons between these and some of the local data set out in this report.

39. The LGSCO also publishes redacted copies of upheld decisions and service improvements agreed by the Council. Eight service improvements have been agreed in the period of this report: <https://www.lgo.org.uk/your-councils-performance/middlesbrough-borough-council/serviceimprovements>.

## Lessons learned

40. The Council must ensure that it learns lessons from complaints and that this learning is reflected in improved policy and practice to avoid repeated complaints on the same issue.

41. Capacity to undertake such work as been increased significantly during the period of this report by:

- merging the complaints and the information requests teams; and
- developing a complaints dashboard that is made available to senior managers and tracked in monthly performance reviews in all Directorates.

42. During the past year the following changes have been made to improve practice:

- significant improvements to processes within Children's Services, as set out at paragraph 31;
- ongoing engagement with Environmental Services to review and improve service monitoring and complaints responsiveness; and
- introduction of operational procedures and checks in relation to the management of the estates of vulnerable clients within Adult Social Care.

## Planned actions for the next 12 months

43. The Council is committed to building on the progress that has been made to date to improve its approach to complaints, and over the next 12 months the following actions will be taken:

- review of the corporate complaints policy and procedures, particularly around the ongoing retention of Stage 2 (which could be replaced by a complaints team check to improve timeliness);



- develop further complaints data to encompass complaints received through all procedures outlined at paragraph 12, tracking of remedies and tracking of compliments;
- continue working collaboratively with Children’s Services and Environmental Services to improve compliance and the effectiveness of complaints handling; and
- introduce a complainant satisfaction questionnaire.

**What decisions are being asked for?**

44. That the Committee notes the complaints statistics and trends, the outcomes and lessons learned from these, and planned actions to further strengthen the management of complaints over the next 12 months.

**Why is this being recommended?**

45. To provide assurance that the Council has an effective approach to complaints management that complies with the expectation of the LGSCO.

**Other potential decisions and why these have not been recommended**

46. Not applicable.

**Impact(s) of recommended decision(s)**

**Legal**

47. The processes and planned actions within the report are consistent with and will promote the achievement of the Council’s legal duty to achieve Best Value.

**Financial**

48. It is anticipated that all activity set out in this report is achievable within existing and planned budgets.

**Policy framework**

49. Current and planned activity is consistent with the direction of travel set out in the Strategic Plan, and so is aligned with the Council’s Policy Framework.

**Equality and diversity**

50. There will be no negative, differential impact on diverse groups and communities within Middlesbrough arising from this report. Continued improvements, including strengthening the Council’s approach to learning lessons from complaints is likely to be of potential benefit to all protected characteristics.

## **Risk**

51. Effective management of complaints mitigates reputational and financial risks to the Council and mitigates the strategic risk of failing to embed cultural change within the Council.

## **Actions to be taken to implement the decision(s)**

52. Not applicable.

## **Appendices**

None.

## **Background Papers**

11/10/18      Standards Committee      Annual Complaints Report 2017/18

**Contact:**      Ann-Marie Johnstone, Governance and Information Manager