

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
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<b>Submitted to:</b>	Corporate Affairs and Audit Committee
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<b>Date:</b>	15 August 2023
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<b>Title:</b>	Annual Complaints Report 2021 - 2023
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<b>Report for:</b>	Information
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	All
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<b>Key decision:</b>	No
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<b>Why:</b>	Not applicable
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<b>Urgent:</b>	No
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<b>Why:</b>	Not applicable
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<b>Executive summary</b>
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To present an annual complaints report for 2021/2022 and 2022/23. The report sets out an overview on the Council's complaints process covering complaints statistics and trends, the outcomes, how the Council continues to learn from complaints, how the Council has worked towards the goals set within the previous annual report and planned actions to further strengthen the management of complaints during 2023/24.

The report also 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), including details from the annual review of Local Authority Complaints issued by the LGSCO.

## **Purpose**

1. The purpose of this report is to provide the committee with information about how the Council is managing complaints made by local people, summarising complaints in the period 2021/2022 alongside their outcomes and to show how the Council continues to learn from complaints and strengthen the managements complaints process.

## **Background and relevant information**

2. It is important to note receiving complaints is not a negative reflection, rather it shows the Council are open and transparent and have a willingness to listen to people, responding to their issues which is positive and can assist how we develop as a Council.
3. In addition, a statement of complaint does not mean that as a Council an error has been made, often people are displeased with a service or a decision, however that service or decision has been made or carried out correctly.
4. Monitoring of complaints and embedding lessons learned from them support the Council's commitment to a principle of continuous improvement and the achievement of compliance with the Best Value Duty.
5. Occasionally, issues will be learned from complaints that were upheld but also in some instances were no fault was found but the Council recognises that improvements to service can be made.
6. Those services accessed by all households, tend to receive the most complaints e.g. Environmental Services and Revenue and Benefits. Other services that relate to care matters tend to receive a lower volume of complaints, however investigation of those cases tends to be more complex.

## **What is a complaint?**

7. A complaint is an expression of dissatisfaction or disquiet about the actions, decisions, or apparent failings of a local authority's service provision, and/or a decision the Council has made.

## **Complaints policy and procedures**

8. The Council is required to operate three distinct complaints procedures:



9. 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).

10. 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.

11. As set out within the Strategic Plan 2021-24, the Council is committed to providing excellent customer service and welcomes customer feedback, to help the corporate complaints team to identify and address problems for customers and to improve the service. This report shows how the Council increased customer feedback about services and how the team are responding to complaints, also how the Council is committed to learning from these to improve performance.

**Complaints Data and Trends**

12. The total numbers of complaints always represent a very small fraction of transactions undertaken by a Council during the year. The LGSCO advises that the number of complaints and trends are in themselves no indication of organisational health or of the performance of individual services but that high number of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Conversely, low number of complaints can be a sign that an organisation is not receptive to user feedback.

13. As such, the Council does not set targets around the number 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.

14. This report provides a summary of corporate and statutory complaints covering, 1 April 2021 – 31 March 2023. Appendix 1 sets out the data for this period and covers
- volumes of complaints
  - the numbers that were escalated to the LGSCO
  - volume of complaints broken down by directorate
  - the outcome of complaints investigations by department
  - the percentage of complaints that were responded to in time by each department
  - Tees Valley Local Authority comparative performance in relation to complaints.
15. The data show that while there has been an increase in the total volume of complaints received by the Council in 22/23, this did not translate into a corresponding increase in the percentage upheld after internal investigation. This dropped from 58.4% (21/22) to 50.5% (22/23).
16. Paragraphs 48 to 54 of this report set out the outcome of complaints investigated by the LGSCO and the lessons the Council has learned from them.

### **Compliments**

17. The Council's central team does capture compliments that are submitted to the Council however they are at a lower level. From the period April 2021 to March 2023, the central team received 46 compliments. Compliments received in other services are not centrally tracked unless passed to the central team.
18. These compliments related to:
- 19 compliments thanking social care staff in children and adults for their good communication and feedback
  - 19 compliments of the work of the area care and parks team and staff attitude
  - Five compliments in response to outdoor events held in Albert Park, praising the planning and management of them.
  - Three compliments, thanking the complaints team for support in processing a complaint.

### **Children's statutory complaints**

19. There has been an ongoing rise in the number of complaints in relation to children's services which has seen increases from 67 (2020/21) to 108 (2021/22) and rose further to 157 (22/23).
20. While the volume has increased, the percentage upheld locally has declined year on year for the past three years.
21. Services changed the way they interacted with the public during the COVID-19 period, members of the public have struggled with the lack of face-to-face interaction which has continued as services streamline the way they operate. There has been evidence that this increased the number of complaints in 2021/22 and again in 2022/23.

22. Analysis of complaints indicates that a proportion of complaints were as a result of delays in processing contacts about issues as a result of staff turnover. Complaints trends also indicate that changes of social worker have also been a trigger for complaints.

### **Adults statutory complaints**

23. Adults statutory complaints remain low in comparison to Childrens at 16 (20/21), 32 (21/22) and then 31 (22/23).

24. the percentage of upheld and partially upheld complaints increased from 13.3% in 2020/21 to 32% (2021/22) and then 51.6% (22/23). The themes arising from those concerns were staff attitudes towards the public, along with the impact of charges for services as people have less money to fund their care where people's circumstances mean they are above the threshold for funded care.

25. In 2021/22, of the 62.5% upheld only 7% or 22 complaints were fully upheld, the remaining 41% or 13 complaints were only partially upheld. The main reason for partially upheld complaints was because the service had failed to complete investigations within the required timescales.

26. As with Children's services, one of the themes arising from complaints is the impact changes made as a result of Covid have had. The Directorate re-designed existing services since the pandemic adopting a new way of working with the public, reducing the number of home visits and increasing use of remote engagement methods.

27. In 2022/23 while complaints remained at the volumes, there was an increase in the proportion of cases that were upheld. The service has revised their management structure to increase focus on service quality and part of this has been ensuring a more robust approach to investigation of concerns.

### **Directorate performance**

28. Appendix 1 sets out a breakdown of complaints by theme. The themes are set by the LGSCO and give a deeper indication of the types of complaints the Council receives. In both years, the highest number of complaints by volume relate to Environment and regulation services. This section sets out more detail around the themes, excluding the statutory processes as the themes around these have been set out above.

#### Environment and Regulation:

29. The Directorate has changed its practice around bin deliveries to improve checks to ensure bins have been received and to also sample check contacts to ensure their responses have been effective. Environment also have introduced an additional three members of staff to the team within complaints to monitor and manage the complaints, which has led to an improvement in response times and looking at issues as can be seen within the statistics over the past two years.

### Corporate and other

30. The next highest volume of complaints in 22/23 was grouped under the theme of 'Corporate and other'.
31. These complaints topics include car parking, staff behaviour, issues at cemeteries and the Crematorium, resident parking, bus station usage and parks.

### Benefits and Tax

32. Benefits and Tax levels of complaints are reflective of increased complaints from people who are experiencing cost of living pressures and challenging decisions in relation to their cases. Other complaint themes are around responsiveness including time to speak to operatives and delays in their cases being updated. The complaints email has been used in the absence of a Benefits and Tax public complaints email address.
33. The service has also appointed a member of staff to oversee complaints who became corporate complaints team point of contact which is more proactive and resulted in a significant improvement with response times, the quality and willingness to try and resolve issues without them progressing to the complaint stage. Having a point of contact works with the overall performance in monitoring and managing complaints, the significant improvement can be seen in the previous two years respectively.
34. Benefits and tax deal more with a service rather than complaints. It was difficult to differentiate a service from a complaint as there appears to be only one e-mail used for all issues, to segregate the service from complaints the triage process was improved allowing Benefits and Tax to deal with every day business issues from a service perspective, this allowed corporate complaints team to manage complaints directly and not create a backlog.

### Highways and Transport

35. Highway and Transport usually covers major planned works, pot holes, noise from works, road closures and parking tickets. Majority of the complaints were of Increase in individuals challenging parking tickets which may have impacted due to the financial crisis. There was also a significant increase in complaints in 2022/23, a significant proportion of these related to the Linthorpe Road cycle lane.

### Planning and Development

36. Planning and Development complaints could be around someone objecting to a neighbour's property where work may have been carried out, a complaint of a store operating out of its hours or dissatisfaction with a planning decision.

### **Timeliness of complaints handling**

37. A significant percentage of complaints are partially upheld because of failures to respond within complaints timescales.
38. While overall compliance with this measure has increased year on year, a breakdown of complaints timeliness by complaint theme demonstrates that performance is variable

across the Council. While over 95% of complaints in relation to Environment and Regulation cases are responded to in time, this figure dropped to 27.1% for Education and Children's services complaints in 2022/23.

### **Local Government Social Care Ombudsman (LGSCO) complaints**

39. The LGSCO is the Council's regulator. Some complainants remain dissatisfied after exhausting local complaints procedures and will escalate their cases to the LGSCO to seek independent investigation.
40. LGSCO case outcomes data is set out in detail at Appendix 1. Trend data shows a the number of cases considered by the LGSCO were at 35 in 2020/21, 24 in 2021/22 and 37 in 2022/23,
41. However, while there is a decrease in the total volume in 2021/22, the number of upheld complaints rose from 3 in 2020/21 to 9 in 2021/22, though this dropped back down to 5 in 2022/23.
42. 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 be possible to make direct comparisons between these and some of the local data set out in this report.
43. 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>.
44. Where applicable, the council will pay remuneration as a result of the following categories that the LGSCO use:
- lost time and trouble
  - distress
  - goodwill
  - uncertainty
  - injustice
  - a refund, reimbursement, or
  - offset/waving of arrears.
45. In each of the years covered in this report the Council paid the following remuneration as directed by the LGSCO in relation to 9 of the 2,343 complaints it managed:
- 2021/22 - £1,550
  - 2022/23 - £400.
46. Payments in 2021/2022 were awarded for the following reasons:
- Lost time and trouble (£300) - awarded in response to a children's statutory complaint in relation to a complaint about a social care case
  - Injustice (£100) – failure to make reasonable adjustments in communications

- Failure to recognise injustice (£300) – the Council had delayed processing housing forms, this resulted in a delay to the complainant being rehoused
- Injustice and distress (£282) – the Council reimbursed costs incurred by a complainer as a result of failing to investigate and respond to a complaint in a timely manner in relation to pest control
- Distress (£250) – distress caused by days in transferring documentation that the complainant was entitled to a community asset transfer
- Distress and uncertainty (£300) – failure to signpost a complainant correctly following a misunderstanding
- Injustice (£250) - distress caused by days in transferring documentation that the complainant was entitled to for a community asset transfer
- Distress (£150) – failures in service delivery in relation to repeated missed assisted waste collections.

47. £100 of the monies awarded in 2022/23 was in response to distress found to be caused as a result of an error of understanding in relation to records. The remaining £300 was awarded in relation to a case regarding miscalculation of payments, the payment was for 'lost time and trouble'.

48. There were a number of lessons to be learned from these outcomes. They are set out in the next section of this report.

### **Themes, improvement actions and lessons to be learned**

49. The Council maintains a lessons learned log to ensure lessons are learned from any investigations, this includes upheld and not upheld complaints that are internally resolved, as well as LGSCO investigations. Learning is shared across the organisation where wider lessons can be learned from an issue.

50. The top three complaints categories have continued to remain the same over the last three years. 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 for the two year period are:

- Missed bin collections
- Bin not delivered
- Social Worker behaviour.

51. There is an ongoing trend in missed bin collections which remains within the top themes annually.

52. In response to the ongoing high volume of complaints, Environmental Services adopted several changes 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 these collections have been completed. The service has also taken action to improve timeliness of replacement/ new bin deliveries. Further changes are planned in 23/24 in relation to delivery of replacement / new bins. The remainder of the complaints relate to missed standard bin collections that have been logged because of a repeat complaint or a whole street has been missed.



53. As set out previously, complaints in relation to Education and Children's services tended to be around Social worker communication / the impact of staff turnover and behaviour from individuals. 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 service has a wider lessons learned document to capture lessons learned from complaints, case reviews and case audits. Analysis of this feeds through to the learning and development offer to social workers, upskilling them in areas such as communications.
54. Other organisation wide lessons that have been learned have included the need to ensure wider awareness of the statutory basis of some complaints across the organisation. Communications were issued to all staff to remind them of complaints investigations timescales. Additional training was also delivered in Children's Services.
55. A lessons learned field has also been added to the ICT system used to track complaints. This will allow highlighting of issues and trends and the monitoring of improvements and actions going forward. For ongoing complaints, training continues to be available, regular meetings are held with service leads to discuss and manage complaints.
56. Monthly performance data is also reported to support action to address compliance with complaints timescales.
57. Environmental Services had previously used a paper system to manage complaints which wasn't compliant with the Council practice, this has now been brought into line with the Council's expected digital management of complaints and has resulted in improved response times.

#### **Planned actions for 23/24**

58. 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:
- Assess and review the impact of recently implemented additional measures to address the volumes of complaints about delivery of new / replacement bins
  - Improve the timeliness of children's services complaints management by implementing a new complaints process to improve use of early resolution.
  - Introduce a complainant satisfaction questionnaire to identify further opportunity to improve practice.

#### **What decision(s) are being recommended?**

That the Corporate Affairs and Audit Committee:

59. 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.

**Rationale for the recommended decision(s)**

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

**Other potential decision(s) and why these have not been recommended**

61. Not applicable.

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

***Legal***

62. 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.

***Strategic priorities and risks***

- 63. 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.
- 64. 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.

***Human Rights, Equality and Data Protection***

65. 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.

***Financial***

- 66. It is anticipated that all activity set out in this report is achievable within existing and planned budgets.
- 67. Costs arising from complaints remuneration are paid from the relevant Directorate’s budget.
- 68. By effectively learning the lessons that need to be taken from past complaints management, the Council will minimise these costs going forward as well as improving outcomes for its customers.

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

69. Not applicable.

**Appendices**

1	Complaints Statistics
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**Background papers**

Body	Report title	Date
Standards Committee	Annual Complaints Report	31/03/22

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