

**MIDDLESBROUGH COUNCIL**

<b>Report of:</b>	Director of Legal and Governance Services
<b>Submitted to:</b>	Audit Committee
<b>Date:</b>	22 August 2024
<b>Title:</b>	Annual Complaints and Compliments Report 2023-2024
<b>Report for:</b>	Information
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	Not applicable
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	Not applicable
<b>Why:</b>	Not applicable

**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.

**Executive summary**

To present an annual complaints report covering the period from April 2023 to March 2024. 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 2024/25.

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 recently issued by the LGSCO.

## **1. Purpose**

1.1 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 and compliments received from April 2023 to March 2024, alongside their outcomes and to show how the Council continues to learn from complaints and strengthen the managements complaints process.

## **2. Recommendations**

2.1 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.

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

3.1 The report provides the committee with assurance that the Council has an effective approach to complaints management that complies with the expectations of the Local Government and Social Care Ombudsman (LGSCO).

## **4 Background and relevant information**

4.1 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. The Council analyses complaints and compliments received to ensure it learns lessons from both.

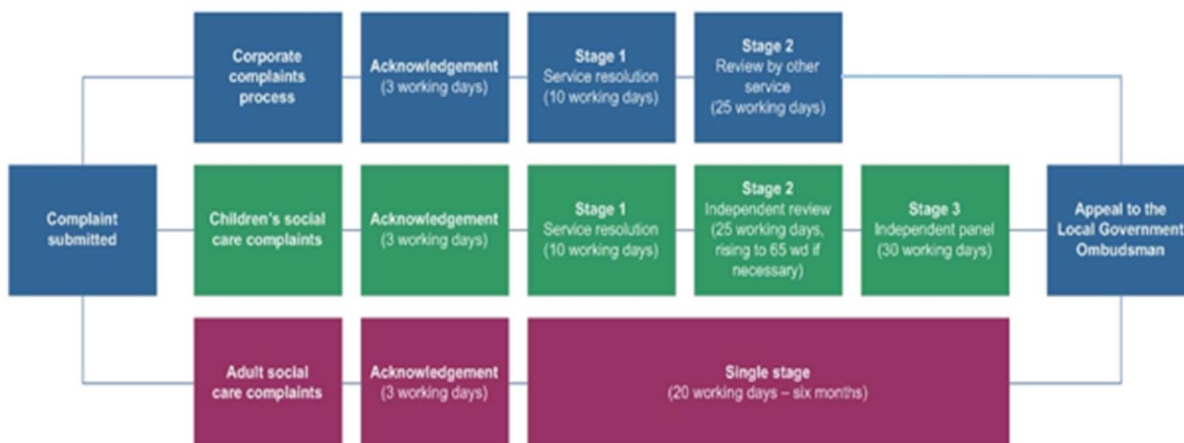
4.2 Those services accessed by all households, tend to receive the most complaints e.g. Environmental Services and Revenues and Benefits. Other services that relate to care matters tend to receive a lower volume of complaints, however investigation of those cases tends to be more complex.

### **What is a Complaint?**

4.3 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**

4.4 The Council is required to operate three distinct complaints procedures:



4.5 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).

4.6 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.

4.7 As set out within the [Council Plan 2024-2027](#) the Council is committed to improving resident satisfaction with its services and welcomes customer feedback, and to help the corporate complaints team to identify areas of good practice and address problems for customers. This report shows how the Council continues to increase the volume of customer feedback about services, how we are responding to complaints, and how the Council is committed to learning from these to improve performance.

### Complaints Data and Trends

4.8 The total numbers of complaints received 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 a 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, a low number of complaints can be a sign that an organisation is not receptive to user feedback.

4.9 As such, the Council does not set targets around the number of complaints it receives, but instead tracks the percentage that are upheld.

4.10 This report provides a summary of corporate and statutory complaints covering 1 April 2023 – 31 March 2024. Appendix 1 sets out the data for this period and covers:

- Overall volumes of complaints and outcomes
- the numbers that were escalated to the LGSCO
- the volumes and outcome of complaints 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.

4.11 The data shows that while there has been a significant increase in the total number of complaints received by the Council in 2023/24, there was a much less marked corresponding increase in the percentage upheld after initial investigation. This rose from 50.5% (2022/2023) to 55.3% (2023/2024). Most cases are upheld due to services failing to respond in time.

4.12 Paragraphs 4.33 – 4.40 of this report set out the outcome of complaints investigated by the LGSCO and the lessons the Council has learned from them.

### **Compliments**

4.13 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 2023 to March 2024, the central team received 109 compliments given to the Central Complaints team, which is a significant increase on the 46 recorded for the two year period 2021-2023 as reported in last year's report.

4.14 The main trends in these compliments related to:

- 40 compliments thanking Environmental staff in relation to grass cutting, street cleaning, bin collection and speed of responses to service issues.
- 18 compliments on the work of the Corporate or 'Other' service including outdoor events held in Albert Park and the friendliness of staff.
- 16 compliments thanking the Children and Education teams for supporting families during difficult times.
- 12 compliments across Adult Social Care mainly thanking individual workers for their support and hard work.

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

4.15 There has been a slight increase in the number of complaints in relation to Children's Services which has seen increases from 157 (2022/23) and to 167 (2023/24).

4.16 Whilst the volume has increased, the percentage upheld locally has continued to decline year on year for the previously reported three years, rising slightly in the latest year. This is a reflection of improvements in practice that have been delivered by the Children's Services improvement journey.

## **Adults statutory complaints**

- 4.17 Adults statutory complaints numbers remain low in comparison to Children's at 31 in 2022/23 and reducing to 29 in 2023/24.
- 4.18 There was also a positive direction of travel in the percentage of upheld and partially upheld complaints, which decreased from 51.6% in 2022/23 to 48.3% in 2023/24. Of those upheld only 17% or 5 complaints were fully upheld. The remaining 31% or 9 complaints were only partially upheld. The main reason for the partially upheld complaints was due to the service having failed to complete investigations within the required timescales.
- 4.19 As in last year's report, a continuing theme arising from complaints is the redesign of services, adopting new ways of working with the public, and increasing the use of remote engagement methods.

## **Directorate performance**

- 4.20 Appendix 1 sets out a breakdown of complaints by category. The categories 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 categories around these have been set out above.

### Environment

- 4.21 This Directorate has significantly changed practice in relation to service delivery during 2023/24. During the reporting period a significant amount of service transformation commenced implementation, including charging for Green waste collections and moving refuse collections to a fortnightly cycle. During this time complaints and contact from residents greatly increased, however the service introduced a dedicated resource to manage this, and qualifying complaints to the central team have seen a steady decline.
- 4.22 Communication both online and direct around the new collections has been received well and the numbers of online visitors accessing the information is greater than expected. The Council has taken the learning from this process to ensure it is reflected in future transformation activities that will impact on the public.
- 4.23 Grass cutting complaints have increased in relation to the quality of the cutting and frequency. There have also been contacts around non-collection of grass when it is cut. These complaints have generally not been upheld as the quality and frequency of grass cutting has been in line with agreed service standards, however complaints do reflect the impact of a decision to reduce these standards following previous budget reductions.
- 4.24 Bulky Waste collections have also experienced complaints around missed bin collections following vehicle breakdowns, which resulted in increases in backlogs. The

service has recognised the impact its aging fleet is having on this and has in place an investment programme to refresh its fleet.

In addition, a temporary pause was put in place July as staff and resources were diverted to meet operational demand in waste services during the implementation of changes to collections, this has created further complaints which will be seen in next year's report, however the changes in collection frequency are intended to create greater capacity for this service to cover jobs logged prior to the pause and new jobs after those.

### Highways

- 4.25 Potholes and road repairs complaints continue to remain high although have decreased from the previous year.
- 4.26 Road closures along Marton Road increased the volume of complaints due to the timing of the closures which were from 7pm. This overlapped with peak traffic times due to visiting and staff shifts finishing between 8pm and 9pm at James Cook Hospital. This caused much frustration to residents as access in and out of the local estate was severely disrupted and visitors and staff at the hospital were delayed getting onto and off the James Cook site.
- 4.27 Due to the residential area works needed to cease by midnight, starting later than 7pm would have increased delay on the overall closure period. Provision for alternative routes both in and out of the site made significant improvements to traffic flow for staff and visitors once they used the signposted routes which by the second evening of closures had increased.

### Benefits and Tax

- 4.28 Increases in Council Tax charges have contributed to increasing complaints in this service area. Response times for complaints remain compliant and the designated point of contacts within service continue to ensure quality of responses remains high.
- 4.29 Benefits and tax continue to deal direct and manage service queries successfully using their designated phone lines, reducing the volume that escalates to a qualifying complaint.

### Corporate and other

- 4.30 Corporate and other complaints continue to be received under this category, trend information indicates most complaints related to parking, staff behaviour, issues at cemeteries and Crematorium, bus station and parks, These types of complaints remain relatively high as a percentage of the overall complaints received.

## **Timeliness of complaints handling**

- 4.31 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 92% of complaints in relation to Benefits and Tax are

responded to in time, this figure dropped to 37.5% for Education & Childrens complaints in 2023/24.

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

4.32 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.

4.33 Case data figures are set out in Appendix 1. The LGSCO publishes annual reports for each local authority on its website: <https://www.lgo.org.uk/your-councils-performance/middlesbrough-borough-council/annualletters/>.

4.34 The LGSCO also publishes redacted copies of upheld decisions and service improvements agreed by the Council.

4.35 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.

4.36 During 2023/24, the Council had no judgements made against it by the LGSCO which required payment to be made to the complainants.

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

4.37 The Council continues to maintain a lessons learned log to ensure lessons are learned from any investigations, whether the complaint is upheld or not, as well as LGSCO investigations. Relevant examples are detailed in the report above. Learning is shared across the organisation where wider lessons can be learned from an issue.

### **Planned actions for 2024/25**

4.38 The Council is exploring options to improve the speed of complaints management by looking at options to increase automation to reduce the ongoing impact of reduced staffing available to manage the complaints process.

4.39 The Council will also implement a delayed action from 2023 to ask complainants to complete a satisfaction questionnaire once their case is resolved to identify further opportunity to improve practice.

## **5. Other potential alternative(s) and why these have not been recommended**

5.1 Not applicable. This report is for information only.

## **6. Impact(s) of the recommended decision(s)**

### ***Financial (including procurement and Social Value)***

6.1 It is anticipated that all activity set out in this report is achievable within existing and planned budgets. By effectively learning the lessons that need to be taken from past complaints management, the Council will continue to minimise costs going forward as well as improving outcomes for its residents.

### ***Legal***

6.2 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.

### ***Risk***

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

6.4 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, Public Sector Equality Duty and Community Cohesion***

6.5 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.

### ***Climate Change / Environmental***

6.6 There are no climate or environmental impacts associated with this report.

### ***Children and Young People Cared for by the Authority and Care Leavers***

6.7 There are no direct implications arising from this, our Complaints process continues to support the rights of these individuals.

### ***Data Protection***

6.8 Our Complaints policy aims to protect individual rights in accordance with the legislation in relation to their protected characteristics, this report has no direct impact.



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

6.9 Not applicable.

**Appendices**

1	Complaints Statistics
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**Background papers**

Body	Report title	Date
Corporate Affairs and Audit Committee	<a href="#">Annual Complaints Report 2021 - 2023</a>	15 August 2023

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