

20 October 2022		ITEM: 5
Standards and Audit Committee		
Annual Complaints & Enquiries Report – 2021/2022		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Lee Henley - Strategic Lead Information Management		
Accountable Director: Jackie Hinchliffe – Director of HR, OD & Transformation		
This report is: Public		

Executive Summary

- The number of complaints received for the reporting period is 1562. For the same period last year, the figure was 1227, therefore the reporting period represents an increase in complaints received.
- Details of the top 10 complaint areas are detailed within Appendix 1.
- A summary for Adult Social Care complaints is attached as Appendix 2.
- A summary for Children Social Care complaints is attached as Appendix 3.
- During the reporting period, 39% of complaints were upheld. This is an increase compared to the same period last year, which identified 33% of complaints as upheld.
- For the reporting period, 87% of complaints were responded to within timeframe. This is below the 90% target and represents a slight dip in performance from last year, where 88% were responded to within timeframe.
- A total of 286 MP enquiries were received, of which 82% were responded to within timeframe. This represents a dip in performance compared to last year's figures of 84% within timeframe from 374 received.
- A total of 4336 member enquiries were received, with 94% responded to within timeframe. Last year the council received 3948 enquiries with 95% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 4 days.
- Member enquiries continue to increase in volume, requiring significant capacity and resources across the council. The cost of processing Member Enquiries

across our service areas is estimated at £215k each year. Members have a key role in promoting the council's Digital by Design principle and using digital channels, highlighting where improvements are needed and using Member Enquiries as an escalation where normal process has failed.

- The council received 1565 external compliments within the reporting period compared to 1545 during last year.
- The Housing Ombudsman (HO) asks all Landlords to complete and publish a self-assessment of their compliance with the HO Complaints Handling Code. The council's self-assessment has been published and is attached as Appendix 4.
- Due to a change in complaints process, the percentage of complaints escalating onto Stage 2 has reduced.

1. Recommendation

1.1 To note the statistics and performance for the reporting period.

2. Introduction and Background

2.1 This report sets out the council's complaints statistics for 2021/22.

2.2 Adult Social Care (ASC) and Children's Social Care (CSC) have separate statutory complaints procedures.

2.3 Top 10 complaint themes have been produced and are attached as Appendix 1. The Corporate Complaints Team work with services to establish the root cause for complaints received, to identify reasons for complaint escalation and to establish the reasons why complaints are upheld.

2.4 Ombudsman Enquiries and/or compensation payments

Below provides a summary of:

- Enquiries where the Local Government and Social Care Ombudsman (LGSCO) and/or the Housing Ombudsman (HO) have reached a final decision on cases within the reporting period
- Other payments made as a form of complaint resolution

Area	Issue Nature	Ombudsman Findings	Financial Remedy	Learning where relevant	Did the council respond to the LGSCO or HO timeframes
Housing - Repairs	Complaint in relation to handling of	Finding of fault / Service failure	£250	No specific learning, as the LGSCO	Yes

	drainage issues at a property			finding was disputed by the council due to the complexities of this case	
Housing - Allocations	Complaint in relation to resident being offered a property away from their family who provides support	Insufficient evidence of fault	N/A	N/A (no fault)	Yes
Resourcing & Place Delivery – Business Rates	Complaint regarding handling of application for small business grant fund	Finding of fault / Service failure	£200	The grant payment that should have been provided under the grant fund was issued. There was no associated learning in this case, as the council disputed the findings of the LGSCO	Yes
Housing - Allocations	Complaint regarding handling of request to be reallocated	Insufficient evidence of fault	N/A	N/A (due to insufficient evidence of fault)	Yes
Housing- Anti-Social Behaviour	Complaint regarding handling of ASB reports	No maladministration	N/A	N/A (no fault)	Yes
HR, OD & Transformation - Complaints Team	The council failed to respond to the resident's initial escalation request and provided incorrect advice when she chased her escalation request, which caused	Finding of fault / Service failure	£150	Training session carried out in the complaints team to cover off identifying complaints.	Yes

	confusion and delays				
Housing -Repairs	Complaint regarding quality of repairs and time taken to complete	No maladministration	N/A	N/A (no fault)	Yes
Housing - Allocations	Complaint regarding delays in moving a resident to a higher banding	Finding of fault / Service failure	N/A	Staff training completed on managing generic inboxes for Housing Solutions, to ensure that any emails from residents are being read and responded to in full	Yes
Public Realm – Development Control	Complaint regarding delays in acting to enforce the protection of a listed building	Finding of fault / Service failure	N/A	Processes changed to ensure that detailed case notes and actions for any historic assets are recorded on the council's system. This will ensure new officers have easy access to all documentation To ensure that services work closely with Place Services (Essex County Council), to obtain any necessary advice on heritage at risk properties, which will ensure the required action is undertaken	Yes

Public Realm – Transport Development	Complaint that measures have not been taken to deal with HGVs using residential roads	Insufficient evidence of fault	N/A	N/A (due to insufficient evidence of fault)	Yes
Housing - Repairs	Complaint regarding handling of mould issues and a request to replace a kitchen within the property	No Maladministration	N/A	N/A (No Fault)	Yes
Public Realm – Waste Collection	Complaint regarding missed brown bin collections	Insufficient evidence of fault	N/A	N/A (due to insufficient evidence of fault)	Yes
Adult Social Care	Complaint that the Care Home failed to allow the complainant to see their mother who was in the Home's care due to COVID restrictions	Finding of fault / Service failure	£200	To review the visitors booking system to ensure double bookings are identified to avoid any visits being cancelled	Yes
Adult Social Care	Complaint that the council did not provide details of a safeguarding referral and that restrictions were not clearly communicated	Finding of fault / Service failure	N/A	Ensure that when managing any Safeguarding enquiries going forward, the reasons for any restrictions imposed through a safeguarding management plan should be clearly recorded. These restrictions must also be discussed and agreed with the person at risk, where appropriate, and their views should be	Yes

				clearly recorded	
Public Realm – Waste Collection	Missed collection of recycling bin	No Maladministration	N/A	N/A (No Fault)	Yes
Public Realm – Waste Collection	Missed collection of general waste and recycling bin	Finding of fault / Service failure	£100	Ensure that when monitoring is implemented for waste collections, a record evidencing this is saved for future reference	Yes
Public Realm – Waste Collection	Complaint regarding lack of waste collection for the assisted waste collection service	Finding of fault / Service failure	£650	The process for recording missed collections for the assisted waste collection service has been made to clear to relevant staff	Yes
Housing - Allocations	Complaint regarding handling of a request to be rehoused	Finding of fault / Service failure	N/A	Fault was due to discretion not being applied. As a result, training has taken place in the team to ensure that Officers seek further advice on applying discretion, either via referring to the Allocations Policy and/or by speaking to a Senior Officer	Yes
Public Realm – Waste Collection	Complaint regarding the council repeatedly failing to provide	Finding of fault / Service failure	£500	Resident's assisted collection agreement reviewed to ensure	Yes

	agreed assisted bin collections			instructions are clear Assisted collections to be monitored for two months following the final Ombudsman decision	
Housing – Tenancy Management	Complaint regarding landlord's management of their request to reassign their tenancy agreement after separation from partner	Finding of fault / Service failure	£150	Officers to ensure that case records are updated after each contact/attempted contact, to ensure audit trail exists and delays are avoided	Yes
Housing – Leaseholders	The complaint concerns the cost of improvement works carried out at the resident's property	Outside of Ombudsman's Jurisdiction	N/A	N/A	Yes
Housing – Repairs	The complaint is about the landlord's handling of reports of damp and mould within the property.	Outside of Ombudsman's Jurisdiction	N/A	N/A	Yes
Housing - Repairs	The complaint is about the landlord's handling of: reports of repairs to the door and behaviour of staff	Outside of Ombudsman's Jurisdiction	N/A	N/A	Yes

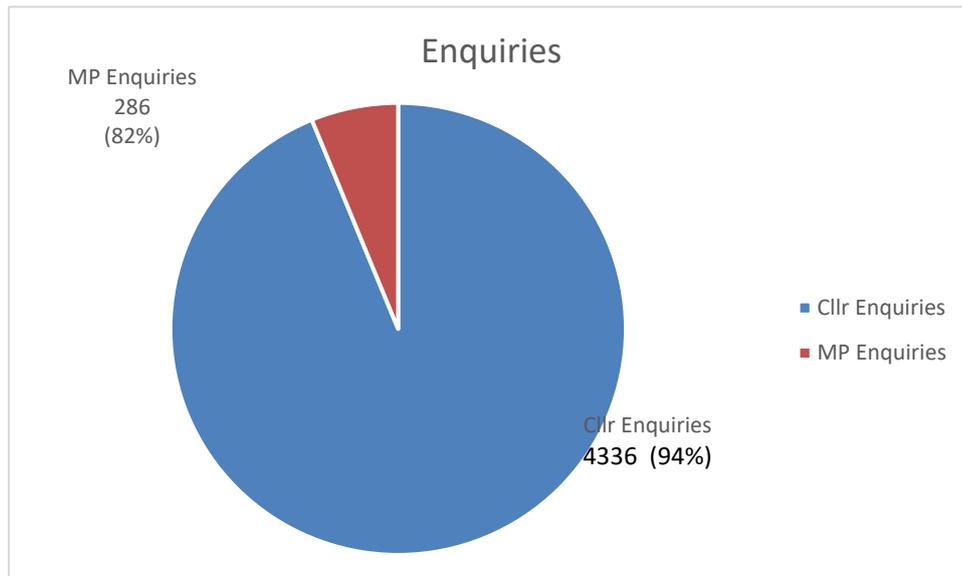
Other payments made:

In addition to the table above, £1157 was paid by the council as a form of complaint resolution across 10 Stage 2 complaints.

2.5 MP and Members Enquiries

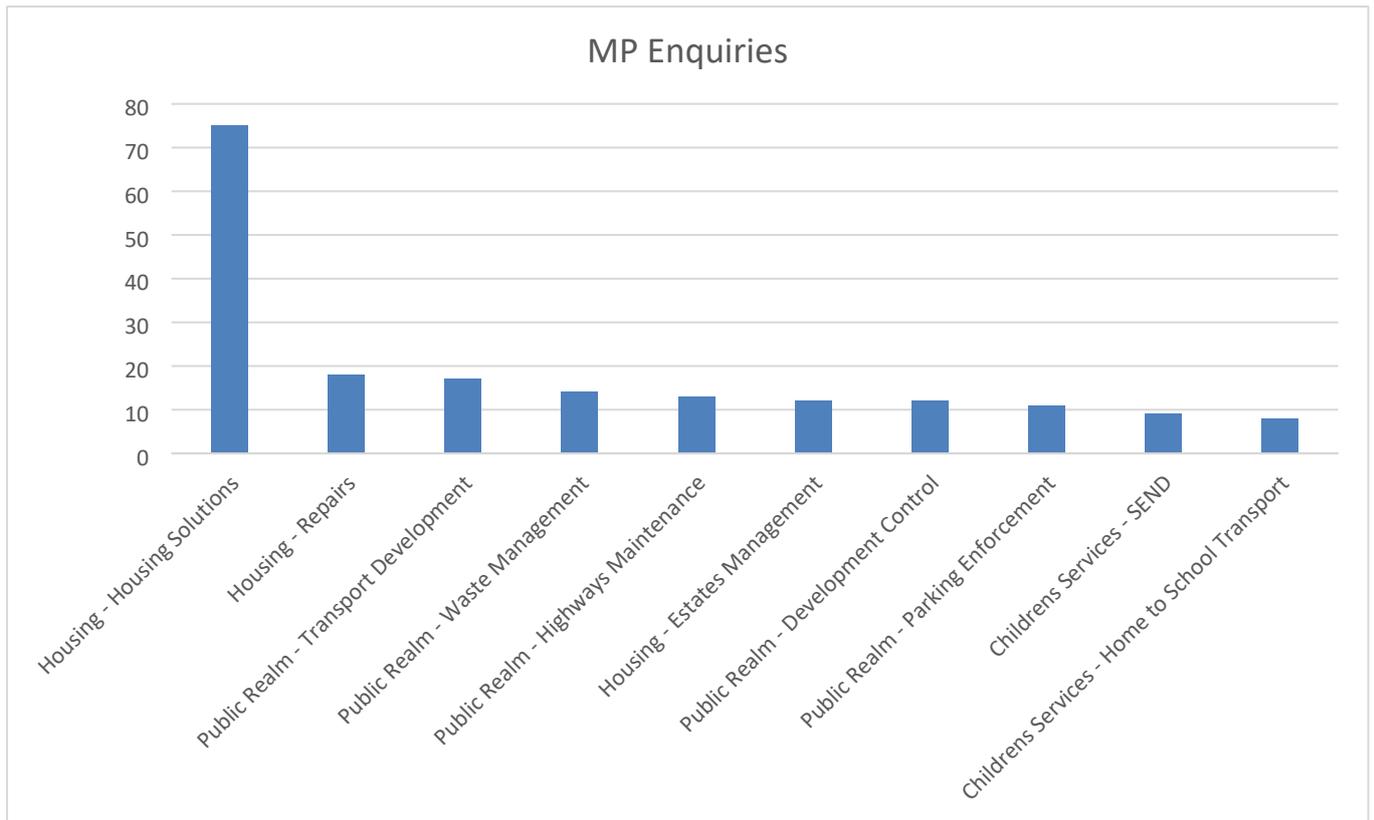
2.5.1 During the reporting period enquiries were received as follows:

- 4336 member enquiries were received, with 94% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 4 days.

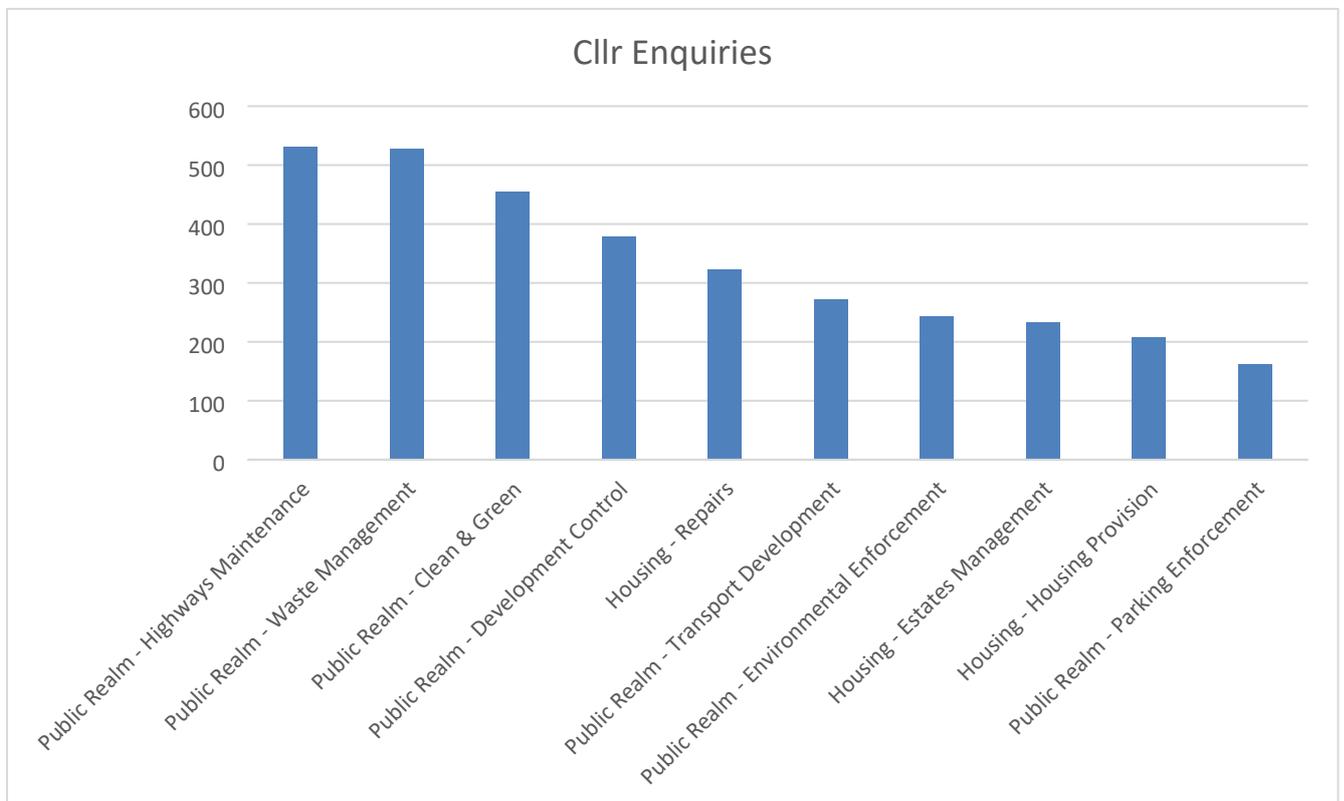


- A total of 286 MP enquiries were received, of which 82% were responded to within the timeframe.

2.5.2 MP enquiry trends and common themes are outlined below:



2.5.3 Councillor enquiry trends and common themes are outlined below:



2.6 Learning lessons from complaints

The most important aspect of any complaints management framework is the ability to demonstrate that the council can show evidence that it is learning from complaints received. Appendix 1 shows the top 10 complaint themes and a summary of high-level learning from upheld complaints which has been identified for each area.

2.7 Social Care Complaints & Representations

Appendix 2 provides a summary dashboard for Adult Social Care.

Appendix 3 provides a summary dashboard for Children's Social Care.

2.8 Complaint channels

There are various means for complainants to register expressions of dissatisfaction. The top themes for the reporting period are shown below:

Digital channel (email, social media, website)	90%
Telephone	5%
Complaints Form	2%
Letter	2%
In Person	1%

2.9 Compliments

The council received 1565 external compliments within the reporting period compared to 1545 from last year. A breakdown is shown below:

Note – The high volume shown for Strategy, Engagement & Growth are in the main due to compliments received via our contact centre call handling satisfaction surveys.

Area	Volume
Strategy, Engagement & Growth	1213
Housing	101
Public Realm	100
Adult Social Care	99
Children Social Care	25
Education	25
HR, OD & Transformation	2
Total	1565

2.10 Complaints that fall within the Housing Ombudsman Jurisdiction

The Housing Ombudsman (HO) have produced a Complaints Handling Code that the council must comply with. A self-assessment of this code has been undertaken (see Appendix 4) and this is published on the council's website.

2.11 Complaints Process

From 1 April 2021 the council:

- Moved to a two-stage complaints process for all complaints (excluding Adult and Children Social Care Complaints). Prior to this a three-stage process was in place
- Increased its timeframes to respond to Stage 1 complaints from 7 working days to 10 working days

The primary reason for the above change was to improve the customer experience in relation to complaints, by improving the quality of Stage 1 complaint responses and therefore reducing the number of escalations (getting it right first time).

The figures below show that the change to process was effective, as the percentage of complaints that escalated to Stage 2 has reduced.

- 2020/21 - 14% of Stage 1 responses escalated to Stage 2
- 2021/22 – 11% of Stage 1 responses escalated to Stage 2

3 Issues, Options and Analysis of Options

3.1 There are no options associated with this paper.

4 Reasons for recommendations

4.1 This report is for noting purposes. There are no recommendations requiring approval.

5 Consultation (including Overview and Scrutiny, if applicable)

5.1 This report was sent to Digital and Demand Board and Director's Board.

6 Impact on corporate policies, priorities, performance and community impact

6.1 Complaints impact on the council's priority of delivering excellence and achieving value for money.

6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.

6.3 The complaints process aims to improve customers' and users' experience of accessing council services. This will support our customer services strategy.

7 Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director Finance

The financial implications are set out in the body of the report.

7.2 Legal

Implications verified by: **Gina Clarke - Corporate Governance Lawyer & Deputy Monitoring Officer**

Given that this is an update report for noting there are no legal implications directly arising from it. The following points should be noted by way of background information:

- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).

7.3 Diversity and Equality

Implications verified by: **Natalie Smith - Strategic Lead Community Development and Equalities**

The Information Management Team will ensure that the Community Development and Equalities Manager is made aware of all complaints that have an equality related expression of dissatisfaction.

7.4 **Other implications (where significant)** – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None

8 Background papers used in preparing the report

Information has been obtained from the council's complaints system.

9. Appendices to the report

- Appendix 1 – Top 10 complaint themes
- Appendix 2 – Adult Social Care complaint dashboard
- Appendix 3 – Children Social Care complaint dashboard
- Appendix 4 – Self Assessment Housing Ombudsman Complaints Handling Code

Report Author:

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Strategic Lead Information Management