



# **City of York Council Annual Complaints Report April 2020 – March 2021**

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## 1 Introduction

Complaints and Feedback are managed for all council areas through the Corporate Governance Team (CGT) to ensure that comments, complaints, concerns and compliments are dealt with in an independent and consistent way across the council.

Complaints about adult and children's social care services are dealt with under two separate pieces of legislation:

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Complaints about other council services are dealt with under the council's Corporate Complaints and Feedback procedures and these have been designed using the guidance and good practice specified in the statutory procedures and by the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Service (HOS).

It is essential that all teams delivering services (including the contractors or providers of services on our behalf) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong, managers can ensure that matters are put right. Senior managers and the CGT therefore regularly encourage teams to recognise complaints and report these to the CGT.

It is important to note the impact of Covid19 in this reporting period. As for all services, this has resulted in the provision of the complaints and feedback services being provided remotely with officers and investigators, as well as service area managers and staff working from home.

As a result of this, the team and the independent agency, along with staff and managers in service areas, have reviewed the ways of working and have adapted this to ensure the complaints and feedback service can continue to be provided effectively. It is considered these changes have had a positive impact on service provision, with staff and investigators being able to speak to customers and key staff and managers, at a time convenient to them, without needing to find a quiet space for phone calls or arrange times for a meeting room.

It has given team members and senior managers the ability to work more closely to respond to and resolve complaints, with the complaints team providing advice to managers about appropriate remedies and responses for managers to then consider and agree or amend.

This has resulted in the ability to provide responses to the complainants' satisfaction more quickly and to provide thorough responses and explanations to explain the council's actions regardless of whether the complaint is upheld or not.

## 2 Ombudsman Investigations and Annual Review Letter

The LGSCO is the council's regulator and following the conclusion of the relevant complaints procedure, is able to investigate complaints about council services.

The exception to this is that the Housing Ombudsman Service (HOS) is the regulator for most housing related services and the Information Commissioner's Office (ICO) is the regulator for all information governance complaints, including complaints about data breaches, and responses to requests under the Data Protection Act, General Data Protection Regulation, Freedom of Information Act and Environmental Information Regulations.

The LGSCO provides an annual review letter about the council covering April to March each year. This includes tables presenting the number of complaints and enquiries received about the council and the decisions the LGSCO has made during the reporting period. This is to help us assess our performance in handling complaints. It includes the number of cases where the LGSCO's recommendations remedied the fault and the number of cases where they decided we had had offered a satisfactory remedy during our local complaints process. In these latter cases the LGSCO provides reassurance that we had satisfactorily attempted to resolve the complaint before the person went to them.

The LGSCO received 38 cases about the council in April 2020 to March 2021 with 44 cases being concluded within this time period. (This therefore includes cases which were received but not concluded in the previous reporting period). The decisions are summarised below:

| <b>LGSCO decided cases</b>           | <b>How many?</b> | <b>% rounded down to whole number</b> |
|--------------------------------------|------------------|---------------------------------------|
| Closed after initial enquiries       | 17               | 39%                                   |
| Referred back for local resolution   | 6                | 14%                                   |
| Advice given                         | 1                | 2%                                    |
| Incomplete/invalid                   | 1                | 2%                                    |
| Not upheld – detailed investigations | 7                | 16%                                   |
| Upheld – detailed investigations     | 12               | 27%                                   |
| <b>Total</b>                         | <b>44</b>        |                                       |

The LGSCO's 12 upheld decisions had the following remedies

| <b>Remedy</b>   | <b>Number</b> |
|---|---------------|
| Apology   | 2             |
| Apology, Financial redress: Avoidable distress/time and trouble, Provide information/advice, Provide training and/or guidance | 1             |
| Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance                             | 1             |
| Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance, Provide information/advice | 1             |
| Apology, New appeal/review or reconsidered decision, Procedure or policy change/review, Provide services                      | 1             |
| Apology, Procedure or policy change/review  | 1             |
| Apology, Provide information/advice   | 1             |
| Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service, Provide training and/or guidance  | 1             |
| No injustice  | 1             |
| No further action, council already provided remedy  | 2             |
| <b>Total</b>  | <b>12</b>     |

The details of the 12 upheld cases are shown at Annex 1 at the end of this report. The points of particular importance in the Ombudsman's annual letter and published performance from this year are:

- 63% of all detailed investigation were upheld. This compares to an average of 63% in similar authorities. However when considered from all decided cases it is 27% were upheld
- In 100% of cases the Ombudsman were satisfied that the authority has successfully implemented their recommendations. This compares to an average of 99% in similar authorities, and sees an improvement on the previous year.
- In 17% of upheld cases the Ombudsman found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 10% in similar authorities. In practice this means that although the Ombudsman found there had been fault, the authority had already acknowledged this and provided an appropriate remedy. The complaints team is currently reviewing the way it works with an aim to being able to increase the ability to identify and offer appropriate remedies where fault has occurred.

Further details from the LGSCO's annual report with the breakdown of cases they dealt with and the outcomes found for this reporting period are included at annex 1.

In 2020 to 2021 there were 6 cases determined by the HOS. Of these:

- 5 were upheld as maladministration without a public report
- 1 was not upheld as the council had already offered a satisfactory remedy

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

A complaint is an expression of dissatisfaction or disquiet however made, about the actions, decisions, or apparent failings of a local authority's social services provision, and/or the level or nature of a council service or policy, which requires a response. If it is possible to resolve the complaint immediately this does not need to be logged through the complaints procedure.

A complaint is not a request for a service that is made for the first time. For example, if a customer complains that a streetlight is not working, we will treat it as a service request that we aim to fulfil by repairing it within the service level agreement. If we then fail to repair it within that timescale, and the customer is still unhappy, it should then be defined and treated as a complaint

### **4 Effectiveness of the Procedures**

The CGT offer and proactively encourage all staff and managers to participate in regular training and awareness raising, about the complaints and feedback procedures. There were a number of refresher sessions held remotely with teams across the council including with directorate management teams, service area and team meetings and this year this has particularly focused on the preparation for the changes to the corporate procedure and supporting complaints work with children and adult services during the pandemic and finding new ways of working.

In addition to this, guidance is provided to assist managers with completing thorough investigations and comprehensive responses including on a case by case basis. We have continued to work with the providers of our independent investigators, who have knowledge and experience of complaints across a number of authorities to ensure our practice and guidance is effective and appropriate to fulfil our obligations and ensure best practice in complaints handling.

When managers have provided a response to a complaint, they are asked to record what will be done to resolve it, what lessons have been learnt and what action will be taken to improve services and avoid problems being repeated. The CGT proactively monitor the completion of both action plans and lessons learned.

A summary of the information received regarding the lessons learnt and action taken is included in this report.

## **5 Themes**

The main themes this year are quality of communication.

Communication issues continue to be a key theme discussed with staff in the training and awareness raising sessions offered and provided by the CGT, which assists staff in understanding how to improve customer experience and avoid unnecessary or the escalation of complaints.

## **6 Cost of delivering the complaints procedure including the corporate procedure:**

There are ongoing costs attached to delivering an efficient and effective complaints service. These costs should be seen against the inherent costs of not providing this service. These may include customer dissatisfaction escalating, an increase in number of and amount of financial remedies being recommended by the LGSCO, increased judicial reviews and non-compliance with legislation.

The total actual spend for the full service including the Information Governance provision, salary and on-costs was £341,652.29.

The financial remedies payments made as part of the three different complaints procedures are provided at sections 21, 36 and 49 later of this report.

The council also has to provide investigating officers and independent people for social care complaints where required and the costs for this in this reporting period was £60424.00 compared to £60720.88 last year. This includes the core costs for the service provision and this year also includes the 2 stage three panels. It is noted this is substantially the same as last year's high costs and this has been due to the expected increase in children's stage 3 complaints due to the high number of complaints in the previous reporting period.

The CGT has however continued to work with the agency and managers to better understand and manage these costs without impacting on the thoroughness or independence of the investigation. This has included looking at improving the efficiency around provision of information and arrangements for interviews with staff.



## Annual Children's Social Care Complaints and Representations Report April 2020 – March 2021

### 7 Context

The following information relates to complaints made during the twelve months between 1st April 2020 and 31st March 2021 for children under the Children Act 1989 Representations Procedure (England) Regulations 2006.

All timescales contained within this report are for working days.

In addition, the numbers of compliments are also recorded and these are:

| 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 8     | 3     | 23    | 6     | 17    | 22    | 22    | 59    |

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we are able to provide an accurate picture of our customers' experiences of the services they receive.

The compliments received include:

- Improved working relationships between schools and staff in children's services
- Helped family build healthy relationships and have a better understanding of children's services
- Proactive, taken time to listen to fully know the situation and tried to take action to help
- Really helpful, understood each child's individual needs, on the ball and honest at all times
- The help and advice given is brilliant.
- Social worker served foster carers and others over and beyond and deserves a big thank you
- Social worker working with school is dedicated, efficient, effective and well engaged
- Answered all their questions, put their minds at rest
- Never left my side, stuck with me and helped me through every little thing
- Spoke to children with a calm, friendly attitude and helped calm their worries
- Supporting son with his great work before and during lock down at school
- Support worker astounding on case with continued input ensuring children got out to safety
- The relationship built with the children fabulous and comes through clearly
- Helped us massively get on our way to our new family dynamics
- Working at all times of day to make sure she meets us and the children

The legislation makes it clear that people should be able to provide feedback and have this responded to, without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

The number of concerns, comments and requests received in this period were:

| 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 13    | 6     | 14    | 11    | 26    | 20    | 33    | 29    |

A concern is logged when someone wants to tell us about a problem, without wanting this to be considered as a complaint.

A comment or request is logged when someone makes a suggestion, or request, or is making the council aware of a problem for the first time. This is then passed to the appropriate person to respond to the issues being raised. If a person remains dissatisfied after receiving a response, this would then be logged as a complaint.

## 8 Who can make a Complaint?

- Any child or young person (or a parent, or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them, but is in need.
- Any local authority foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care
- Special Guardians
- A child or young person (or parent) to whom a Special Guardian order is in place.
- Any person who has applied for an assessment under section 14F (3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents, natural parents and former guardians and such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative on behalf of a child or young person, we will, where possible, confirm that the child or young person is happy for this to happen and that the complaint received reflects their views.

The complaints manager in consultation with relevant operational managers will decide whether the person is suitable to act in this capacity and has sufficient interest in the child's welfare. If it is decided that a person is not suitable to act as a representative for a child, they will be informed of the decision in writing by the complaints manager. The complaint will then fall outside the statutory procedure. They will however be able to complain through the corporate complaints procedure.

Complaints may also be made by adults relating to a child or young person, but are not being made on their behalf. The complaints manager in consultation with operational managers will decide whether the person has sufficient interest in the child's welfare for the complaint to be considered. The child may also be consulted as part of the decision making process.

## **9 Grading of Complaints**

Complaints are graded following an assessment of issues including severity, complexity, risk to the customer and other customers, risk to the authority, history of similar complaints and likelihood of future similar complaints. Other considerations include, the outcomes wanted to resolve the complaint, who is best placed to consider and effectively respond to the complaint and the complainant's views of how the complaint should be dealt with.

### **Stage One.**

Is dealt with by line managers of the service area the complaint concerns, this includes where the service is being provided on behalf of the council by an external contractor. The expectation is that the managers will have the knowledge and understanding of the issues and delegated responsibility to be able to resolve complaints at this stage quickly, without the need for an in depth formal investigation.

The legislation requires complaints at stage one to be responded to within 10 working days. This can be extended for a further 10 working days in some circumstances, for example where further time is needed to arrange an advocate, or where staff may be away from work. This can only be extended with the agreement of the complainant.

### **Stage Two.**

This stage is implemented where the complainant is dissatisfied with the findings of stage one, or where it is assessed as being appropriate to be considered and responded to at this stage, due to issues including the severity, complexity or risk. Stage two requires an investigation conducted by either an internal manager who has not had any previous involvement in the complaint and has no line

management responsibility for the area being complained about, or an external investigating officer. The Assistant Director for children's social care services acts as the adjudicator on the findings of the investigation, although on occasions, this can be completed by another senior manager with an understanding of children's social care, where the Assistant Director for children's social care services is not available.

The council must offer an advocate to assist children and young people in making a complaint and appoint an independent person to oversee the investigation process at this stage. Stage two complaints falling within the social services statutory complaints procedures should be dealt with in 25 days, although in certain cases this can be extended to 65 days.

### **Stage Three.**

The third stage of the complaints process is the review panel. Where complainants wish to proceed with complaints about statutory social service functions, the council is required to establish a complaints review panel. The panel makes recommendations to the Director of children's social care services, who then makes a decision and provides a written response on the complaint and any action to be taken.

Complaints review panels must be made up of 3 independent panellists. There are various timescales relating to stage three complaints. These are:

- setting up the panel within 30 working days;
- producing the panel's report within 5 working days of the panel; and
- producing the local authority's response within 15 days following receipt of the report.

This was changed during the initial period for the pandemic to as soon as reasonably practicable, although the council continued to work to these timescales and hold remote Panel meetings as soon as it was able to.

A further option for complainants is the LGSCO who is empowered to investigate where it appears that a council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGSCO at any time, although the Ombudsman normally refers the complaint back to the council, unless the council has been given sufficient opportunity to consider and respond to the complaint. The council will usually agree to a complaint being considered by the Ombudsman without the third stage of the internal process having been completed, where it is considered there has been sufficient opportunity to consider and respond to the complaint at stage 2 and further consideration is unlikely to lead to a substantially different outcome.

## 10 Activity

The CGT recorded 55 complaints under the children's social care procedure during the year, compared with a total of 91 last year.

An additional 1 complaint was received through the corporate complaints procedure, compared to 12 in the previous year.

## 11 Total complaints made:

Of the 55 complaints dealt with:

- 41 were investigated at stage one of the social care procedures,
- 3 progressed to stage two
- 9 complaints in total heard at stage two with 6 of these being moved straight to stage 2, due to their complexity and or severity.
- 4 complaints were heard at stage 3, with one not being pursued to the panel, but may be in the future.

## 12 Comparison with the preceding year

The numbers of complaints being received are small in number and typically fluctuate each year and this is typical of social care complaints received across Yorkshire and Humberside. The figures show a decrease of 40% for this reporting period. The reasons for this are noted in the following information.

## 13 Complaint outcomes – total

|               | 2016-2017 | 2017-2018 | 2018-2019 | 2019 - 2020 | 2020 - 2021 |
|---------------|-----------|-----------|-----------|-------------|-------------|
| Upheld        | 0         | 4         | 6         | 19          | 8           |
| Partly upheld | 9         | 10        | 19        | 27          | 17          |
| Not upheld    | 14        | 20        | 14        | 12          | 16          |
| Not proved    | 0         | 0         | 0         | 2           | -           |
| Not pursued   | 3         | 2         | 5         | 14          | 9           |
| No response   | 1         | 2         | -         | 16          | 2           |
| Ongoing       | 1         | 2         | 0         | 1           | 3           |
| <b>Total</b>  | <b>28</b> | <b>40</b> | <b>44</b> | <b>91</b>   | <b>55</b>   |

## 14 Response Times

A key requirement of complaints procedures is to ensure that individuals are informed of the outcome of their complaints, in an appropriate time frame.

The timescales in working days for children's social care complaints as set out in

the regulation are:

- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required);
- 25 days at Stage 2 (with maximum extension to 65 days);
- 20 days for the complainant to request a Review Panel;
- 30 days to convene and hold the Review Panel at Stage 3;
- 5 days for the Panel to issue its findings; and
- 15 days for the local authority to respond to the findings.

## Details of Complaints by stage

### 15 Stage One Complaints

There were 41 stage one complaints compared to 72 last year.

We are pleased to note that as expected the numbers during this reporting period have reduced since the previous year.

Although it is not considered receiving larger numbers of complaints is always a negative, because this can show that the procedure is accessible and customers are supported to make complaints which provide invaluable feedback. It was however a concern there were a number of complaints with related themes including a lack of action in the previous year. These were predominantly related to delays with communication and updating family members and delays in progressing work. The Assistant Director worked with managers in the Directorate and the Corporate Governance Team to improve communication and ensure customers are kept up to date, importantly even where there was not anything new to report, to ensure people are still told this. We are pleased that as expected these improvements are evidenced in this year's report.

These have been categorised as follows:

#### Stage One - Nature of complaint

|   | 2017 - 2018 | 2018 – 2019 | 2019 - 20 | 2020 - 21 |
|---|-------------|-------------|-----------|-----------|
| <b>Attitude of staff</b>                    | 1           |             | -         | -         |
| <b>Disagree with Policy</b>                 | 1           | 1           | -         | 1         |
| <b>Disagree with Assessment</b>             | 10          | 9           | 13        | 7         |
| <b>Discrimination</b>                       | 0           | 1           | -         | -         |
| <b>Inappropriate Action</b>                 | 13          | 12          | 32        | 10        |
| <b>Lack of Action</b>                       | 3           | 6           | 22        | 9         |
| <b>Quality of Advice/<br/>Communication</b> | 2           | 5           | 5         | 14        |
| <b>TOTAL</b>                                | <b>30</b>   | <b>34</b>   | <b>72</b> | <b>41</b> |

You will note that the quality of advice and communication is the highest theme this year and higher than in previous years. However it is considered this is due to the work between the CGT and managers in children's services to more accurately identify when complaints have arisen through lack of contact or poor quality of communication. This has been important in being able to identify action to improve services. The details of this are recorded in section 23 of this report.

### Stage One - Responding in time performance

|                       | <b>2016</b><br>-<br><b>2017</b> | <b>%*</b> | <b>2017</b><br>-<br><b>2018</b> | <b>%*</b> | <b>2018</b><br>-<br><b>2019</b> | <b>%*</b> | <b>2019</b><br>-<br><b>2020</b> | <b>%*</b> | <b>2020</b><br>-<br><b>2021</b> | <b>%*</b> |
|-----------------------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|
| <b>Within 10 days</b> | 19                              | 73%       | 24                              | 80%       | 17                              | 50%       | 31                              | 43%       | 20                              | 49%       |
| <b>Within 20 days</b> | 2                               | 8%        | 5                               | 17%       | 12                              | 34%       | 8                               | 11%       | 6                               | 15%       |
| <b>Over 20 days</b>   | 2                               | 8%        | 0                               | -         | 1                               | 2%        | 20                              | 28%       | 7                               | 17%       |
| <b>Not Pursued</b>    | 3                               | 11%       | 1                               | 3%        | 4                               | 11%       | 13                              | 18%       | 8                               | 19%       |
| <b>TOTAL</b>          | <b>26</b>                       |           | <b>30</b>                       |           | <b>34</b>                       |           | <b>72</b>                       |           | <b>41</b>                       |           |

\*% figures are rounded to the nearest whole number

We are pleased to report the numbers of complaints where there was no response at stage 1 has significantly reduced. However it is the aim of the CGT to continue to work with managers in children's services to ensure that all complaints receive a response.

### Stage One - Outcomes

|                         | <b>2016</b><br>-<br><b>2017</b> | <b>%*</b> | <b>2017</b><br>-<br><b>2018</b> | <b>%*</b> | <b>2018</b><br>-<br><b>2019</b> | <b>%*</b> | <b>2019</b><br>-<br><b>2020</b> | <b>%*</b> | <b>2020</b><br>-<br><b>2021</b> | <b>%*</b> |
|-------------------------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|-----------|
| <b>Upheld</b>           | 0                               | -         | 3                               | 10%       | 3                               | 8%        | 16                              | 22%       | 8                               | 19%       |
| <b>Partially Upheld</b> | 7                               | 27%       | 7                               | 23%       | 14                              | 41%       | 15                              | 21%       | 7                               | 17%       |
| <b>Not Upheld</b>       | 15                              | 58%       | 16                              | 53%       | 13                              | 38%       | 10                              | 14%       | 16                              | 39%       |
| <b>Not Proven</b>       | 0                               | -         | 0                               | -         | 0                               | -         | 2                               | 3%        | 0                               | -         |
| <b>Not Pursued</b>      | 3                               | 11%       | 2                               | 7%        | 4                               | 11%       | 13                              | 18%       | 8                               | 19%       |
| <b>No response</b>      | 1                               | 4%        | 2                               | 7%        | -                               | -         | 16                              | 22%       | 2                               | 5%        |
| <b>TOTAL</b>            | <b>26</b>                       |           | <b>30</b>                       |           | <b>34</b>                       |           | <b>72</b>                       |           | <b>41</b>                       |           |

\*% figures are rounded to the nearest whole number

## 16 Stage Two Complaints

### Stage Two - Nature of Complaint

|                                  | 2016 - 2017 | 2017 - 2018 | 2018 - 2019 | 2019 - 2020 | 2020 - 2021 |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|
| Attitude of staff                | -           | -           | -           | -           | -           |
| Disagree with Policy             | -           | -           | -           | -           | -           |
| Disagree with Assessment         | -           | 1           | 3           | 6           | 1           |
| Discrimination                   | -           | -           | -           | -           | -           |
| Inappropriate Action             | 3           | 4           | 3           | 6           | 6           |
| Lack of Action                   | 1           | 3           | 4           | 4           | 2           |
| Quality of Advice/ Communication | 1           | 2           | -           | 1           | -           |
| <b>TOTAL</b>                     | 4           | 10          | 10          | 17          | 9           |

It is noted the number of complaints at this stage have returned to similar levels to that of previous years and it is considered this is because of the improvements in responding to complaints at stage 1.

### Stage Two – Responding in time performance

|                | 2016<br>-<br>2017 | %*  | 2017<br>-<br>2018 | %*  | 2018<br>-<br>2019 | %*  | 2019<br>-<br>2020 | %*  | 2020<br>-<br>2021 | %*  |
|----------------|-------------------|-----|-------------------|-----|-------------------|-----|-------------------|-----|-------------------|-----|
| Within 25days  | 1                 | 25% | 6                 | 60% | 1                 | 10% | 3                 | 17% | 2                 | 21% |
| Within 65 days | 2                 | 50% | 0                 | -   | 2                 | 20% | 3                 | 17% | -                 | -   |
| Over timescale | 1                 | 25% | 4                 | 40% | 6                 | 60% | 9                 | 51% | 4                 | 44% |
| Not Pursued    | -                 | -   | 0                 | -   | 1                 | 10% | 1                 | 6%  | -                 | -   |
| Ongoing        | -                 | -   | 0                 | -   | -                 | -   | 1                 | 6%  | 3                 | 33% |
| <b>TOTAL</b>   | 4                 |     | 10                |     | 10                |     | 17                |     | 9                 |     |

It is noted the majority of responses at this stage were “over the timescale”. It is important to remember, this reporting period was during the height of the Covid 19 pandemic and the changes to working arrangements this required. It is also important to note complaints at this stage are often complex, with a number of elements of complaint and the timescales may also be related to the need to arrange advocates and appointments with both staff and complainants, particularly at adjudication. The CGT ensure that complainants are kept updated in these cases.



**Stage Two Outcomes**

|                         | 2016<br>- | %*  | 2017<br>- | %*  | 2017<br>- | %*  | 2019<br>- | %*  | 2020<br>- | %*  |
|-------------------------|-----------|-----|-----------|-----|-----------|-----|-----------|-----|-----------|-----|
|                         | 2017      |     | 2018      |     | 2018      |     | 2020      |     | 2021      |     |
| <b>Upheld</b>           | -         | -   | -         |     | 3         | 30% | 2         | 12% | -         | -   |
| <b>Partially Upheld</b> | 2         | 50% | 3         | 30% | 5         | 50% | 11        | 65% | 6         | 67% |
| <b>Not Upheld</b>       | -         | -   | 3         | 30% | 1         | 10% | 2         | 12% | -         | -   |
| <b>Not Pursued</b>      | -         | -   | 2         | 20% | 1         | 30% | 1         | 6%  | -         | -   |
| <b>No response sent</b> | 1         | 25% | 2         | 20% | -         | -   | -         | -   | -         | -   |
| <b>Ongoing</b>          | 1         | 25% | -         |     | -         | -   | 1         | 6%  | 3         | 33% |
| <b>TOTAL</b>            | <b>4</b>  |     | <b>10</b> |     | <b>10</b> |     | <b>17</b> |     | <b>9</b>  |     |

We are pleased to be able to report that there have not been any cases where responses have not been sent at this stage for the last two years, which indicates the commitment from the Assistant Director to take complaints seriously and use the feedback to learn lessons and improve services.

**17 Stage Three Complaints**

There were 5 children's stage three complaints.

The process at stage three of the Children's Social Care Complaints Procedure is an independent review panel that will consider whether the investigation, findings and recommendations at stage two, were thorough, logical and fair. The Panel then provides a report to the Director of Children's Services with their conclusions and any recommendations considered appropriate. The Director would then respond confirming whether they agree with the conclusions and any recommendations made.

**Stage Three - Nature of Complaint**

|   | 2018 -2019 | 2019 - 2020 | 2020 - 2021 |
|---|------------|-------------|-------------|
| <b>Attitude of staff</b>                | -          | -           | -           |
| <b>Disagree with Policy</b>             | -          | -           | -           |
| <b>Disagree with Assessment</b>         | -          | -           | -           |
| <b>Discrimination</b>                   | -          | -           | -           |
| <b>Inappropriate Action</b>             | -          | -           | 4           |
| <b>Lack of Action</b>                   | -          | 2           | 1           |
| <b>Quality of Advice/ Communication</b> | -          | -           | -           |
| <b>TOTAL</b>                            | -          | -           | <b>5</b>    |

**Stage Three - Responding in time performance**

|                       | 2018<br>- | %* | 2019<br>- | %*  | 2020<br>- | %*  |
|-----------------------|-----------|----|-----------|-----|-----------|-----|
|                       | 2019      |    | 2020      |     | 2021      |     |
| <b>Within 15 days</b> | -         | -  | 1         | 50% | 3         | 60% |
| <b>Over 15 days</b>   | -         | -  | 1         | 50% | 1         | 20% |
| <b>Not Pursued</b>    | -         | -  | -         | -   | 1         | 20% |
| <b>TOTAL</b>          | -         | -  | <b>2</b>  |     | <b>5</b>  |     |

It is noted that the delay in responding at this stage was due to Covid19

**Stage Three Outcomes**

|                         | 2018<br>- | %* | 2019<br>- | %*  | 2020<br>- | %*  |
|-------------------------|-----------|----|-----------|-----|-----------|-----|
|                         | 2019      |    | 2020      |     | 2021      |     |
| <b>Upheld</b>           | -         | -  | 1         | 50% | -         | -   |
| <b>Partially Upheld</b> | -         | -  | 1         | 50% | 4         | 80% |
| <b>Not Upheld</b>       | -         | -  | -         |     | -         | -   |
| <b>Not Pursued</b>      | -         | -  | -         |     | 1         | 20% |
| <b>No response sent</b> | -         | -  | -         |     | -         | -   |
| <b>Ongoing</b>          | -         | -  | -         |     | -         | -   |
| <b>TOTAL</b>            | -         | -  | <b>2</b>  |     | <b>5</b>  |     |

In addition to the information given above for complaints made through the children's social care complaints procedure, 1 complaint was received as a corporate stage one and one as a corporate stage 2. Complaints are dealt with under the corporate procedure when the complainant is not complaining with the consent of the customer, or it is considered they are not complaining in the customer's best interest.

**18 Percentage escalation**

The following table indicates how many complaints in children's services have been escalated. By measuring these figures as a percentage, we are able to gauge the implied customer satisfaction levels.

|                    | Number  | % escalated to next stage | % implied customer satisfaction |
|--------------------|---------|---------------------------|---------------------------------|
| Stage 1 to Stage 2 | 3 of 41 | 7%                        | 93%                             |
| Stage 2 to Stage 3 | 5 of 9  | 56%                       | 44%                             |

**19 Equalities Monitoring Information**

Following the guidance produced by the Department of Health and the Department for Education and Skills, we have to seek to identify who is making

complaints to get a greater understanding of them. The following information was provided:

### Gender

|               | 2016 - 2017 | 2017 - 2018 | 2018 – 2019 | 2019 - 2020 | 2020 - 2021 |
|---------------|-------------|-------------|-------------|-------------|-------------|
| Male          | 11          | 10          | 15          | 17          | 24          |
| Female        | 16          | 25          | 26          | 64          | 29          |
| Male & Female | 3           | 5           | 3           | 0           | 2           |
| Not stated    | -           | -           | 44          | 0           | 55          |

## 20 Who made the complaints

- 9 complaints were made by a child or young person via an advocate.
- 1 complaint was made by family or friends on behalf of a child or young person.
- 45 complaints were made by adults about the service provided to them.

The Complaints Manager is aware the majority of complaints about Children's Services are not made by children or young people receiving a service. To ensure that children are aware of and are supported to use the complaints and feedback procedure, the team works closely with the Children's Rights team and where appropriate, other support and advocacy services and others making a complaint on behalf of a child or young person.

The council has a statutory obligation to offer advocacy support to any child or young person making a complaint and the Children's Rights team make people aware of the options available for raising comments, concerns, complaints and compliments and provide advocacy support to assist with this where requested.

The CGT are also available to attend meetings with staff members, children and young people and on occasions foster carers to raise awareness of and understanding about how people can use the procedure.

## 21 Costs and Payments

The council has an obligation to ensure independence in the children's social care complaints procedure. This includes a requirement for:

- A person independent of the council to oversee all complaints at stage two made by children and young people.
- To ensure the investigator at stage two has not had any involvement in the complaint or line management responsibility for the services being complained about.

- To have a panel of 3 independent people at stage three.

The costs of this in this reporting period are included in the section 6.

In addition to this the council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that:

- the LGSCO would find that there has been maladministration by the council causing injustice to the complainant; and
- the LGSCO would recommend that financial recompense should therefore be paid to the complainant.

Details of payments:

|               |  |
|---------------|--|
| £1,000        | Time and trouble of having to pursue a complaint to stage 3                        |
| £100.00       | Time and trouble of having to pursue a complaint to stage 3                        |
| £400.00       | Time, trouble of having to pursue complaint and distress at time missed with child |
| £50.00        | Delays in completing assessments   |
| £200.00       | Distress and confusion due to unclear complaint response                           |
| £50.00        | Lack of communication regarding decision   |
| <b>£1,800</b> | <b>Total</b>   |

## 22 Alternative Dispute Resolution

It is important to note that the Department for Education and Skills Guidance makes it clear that nothing in the procedure should preclude Alternative Dispute Resolution and that if agreed by both complainant and the Complaints Manager the council should explore this option.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

## 23 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint. Some of the types of action the council has undertaken to resolve complaints have been issuing apologies, meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place. This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment

of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has included the agreement to undertake the following actions, in addition to apologies and financial recompense:

- Internal practice review of social workers communication and practice with absent parents.
- Managers reminded staff the importance of more clearly documenting the needs of foster carers, and making sure they ask and record discussions about their well-being so it is clearer that they are not just performing their statutory duties
- Clear concise guide to supervising and recording supervised contact
- Provide parents/carers with clear and informative information regarding the LA's role responsibility during private law proceedings
- Complaints advisors to ensure all appropriate remedies are considered and implemented, even where these are not stated as part of the customers desired outcomes.
- Complaints advisors to ensure clear information is provided at the start of the process about issues which can and cannot be dealt with through the complaints procedure
- Reminders to staff to complete written risk assessments
- Reminders to staff to ensure written care plans are in place to support young people

## Annual Adult Social Care Complaints Report April 2020 to March 2021

### 24 Context

This report provides information about complaints made during the twelve months between 1st April 2020 and 31st March 2021 for adults under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

All timescales contained within this report are for working days. The structures for reporting have changed and are reflected in the reporting for adult service as shown in the below tables.

In addition the numbers of compliments are also recorded were:

|                                    | 16/17 | 17/18 |  | 18/19 | 19/20 | 20/21 |
|------------------------------------|-------|-------|--|-------|-------|-------|
| Adult services                     | 19    | 49    | <b>Be Independent</b>                          |       | 1     | 4     |
| Occupational therapy               | -     | -     | <b>Commissioning &amp; Contract Management</b> | 1     | -     | 1     |
| Commissioning and Purchasing (C&P) | -     | 1     | <b>Community Provision</b>                     | 7     | -     | 10    |
| Mental health                      | 28    | 2     | <b>Joint Commissioning</b>                     | -     | -     | -     |
| Learning disability services       | 4     | 0     | <b>Assessment</b>                              | 16    | 10    | 9     |
| Public health                      | -     | 1     | <b>Care Homes</b>                              | 9     | 6     | 5     |
|                                    |       |       | <b>Community Provision</b>                     |       | 22    | 10    |
|                                    |       |       | <b>Mental health Safeguarding &amp; DOLS</b>   | 4     | 3     | 19    |

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure that we are able to provide a true picture of our customers' experiences of the services they receive.

The compliments received included:

- Thank you for all you have done to support relative at this difficult time
- Thank you for keeping a watch on me during the difficult year when living alone
- Been very patient and honest, dealt with relative in a really kind way
- Support received has enabled customer to become more confident and independent to continue without further support

- Support received has enabled her to become more confident and independent to continue without further support.
- Absolutely amazing with relative and the rest of the family during these difficult times
- Thank you for sitting with relative
- Great service despite the Covid restrictions
- Be Independent have always been absolutely brilliant when called upon by relative
- Thank you for the professionalism and care shown
- For respecting wishes, and helping in the emergency in a calm manner
- For the smooth transfer to Glen Lodge the staff are great
- You have always been very helpful and at the end of the phone if we ever needed anything at all
- Thank you for continuous help and support and helping in securing accommodation
- Help to get the right support package in place
- Thanks for care of relative at Haxby Hall
- support arranged that enabled relative to pass away at home with family around them
- Thank you for help in time of crisis

The legislation makes it clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

The number of concerns, comments and requests received in this period were:

|  | 16/17 | 17/18 |  | 18/19 | 19/20 | 20/21 |
|--|-------|-------|--|-------|-------|-------|
| Adult services                                       | 6     | 7     | <b>Be Independent</b>                          | -     | 1     |       |
| Occupational therapy                                 |       | -     | <b>Commissioning &amp; Contract Management</b> | 4     | 2     | 2     |
| Commissioning and Purchasing (C&P) and mental health | 5     | -     | <b>Commissioning Provision</b>                 | -     | -     | 2     |
| Learning disability services                         |       | -     | <b>Joint Commissioning</b>                     | -     | -     | -     |
| Public health  | 3     | -     | <b>Assessment</b>                              | 3     | 10    | 2     |
|  |       |       | <b>Care Homes</b>                              | 5     | 3     | 2     |
|  |       |       | <b>Community Provision</b>                     | 8     | 8     | 3     |
|  |       |       | Mental health Safeguarding & DOLS              | 11    | 9     | 5     |

## 25 Who can make a Complaint?

Someone who:

- The local authority has a power or duty to provide or secure the provision of a social service for him/her and
- His/her need for such a service has (by whatever means) come to the attention of the Authority.

This definition also applies to a person acting on behalf of someone who meets the above requirements.

A complaint can be made by a representative where the Complaints Manager receives permission from the eligible person, usually in writing, giving their permission for the representative to make the complaint on their behalf. A representative will also be able to make a complaint where the eligible person is not capable of making the complaint themselves, this includes when they have died.

The Complaints Manager will decide if a person is suitable to act as a representative, if it is decided they are not acting in the eligible person's best interests, they will inform them in writing of the reasons for this.

If a customer is not eligible under the terms of the Act, they will always be able to have their complaint looked at under the council's corporate complaints procedure.

## 26 Grading of Complaints

The department of health designed the following tool to assess the seriousness of complaints and decide the relevant action:

### Step 1: Decide how serious the issue is

| Seriousness | Description   |
|-------------|---|
| Low         | Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care.<br><b>OR</b><br>Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation. |
| Medium      | Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.   |
| High        | Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity.                     |



|  |  |
|--|--|
|  | <p><b>OR</b></p> <p>Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.</p> |
|--|--|

## Step 2: Decide how likely the issue is to recur

| Likelihood     | Description  |
|----------------|--|
| Rare           | Isolated or 'one off' – slight or vague connection to service provision. |
| Unlikely       | Rare – unusual but may have happened before.                             |
| Possible       | Happens from time to time – not frequently or regularly.                 |
| Likely         | Will probably occur several times a year.                                |
| Almost certain | Recurring and frequent, predictable.                                     |

## Step 3: How to categorise the risk

| Seriousness | Likelihood of recurrence |          |          |         |                |
|-------------|--------------------------|----------|----------|---------|----------------|
|             | Rare                     | Unlikely | Possible | Likely  | Almost Certain |
| Low         | Low                      |          |          |         |                |
|             |                          | Moderate |          |         |                |
| Medium      |                          |          |          |         |                |
|             |                          |          | High     |         |                |
| High        |                          |          |          | Extreme |                |
|             |                          |          |          |         |                |

The CGT grades the complaints as:

- Low = Green - Can be resolved locally
- Medium = Amber - Needs a response from the Director
- High = Red - Needs a response from the Director

Complainants are contacted by the CGT to design a complaints plan and agree an appropriate response timescale. This is often done through an acknowledgment letter requesting the complainant to confirm the council's understanding of the complaint and the timescale for response.

Following the response, a complainant can ask the Local Government and Social care Ombudsman (LGSCO) to investigate if they remain dissatisfied.

## 27 Activity

The CGT recorded 28 complaints under the adult social care procedure during the year 2020 – 2021, compared with a total of 53 the previous year.

An additional 2 complaints were received about adult social care services under the corporate complaints procedure, compared to 4 the previous year.

## 28 Comparison with the preceding year

The figures show a decrease in the number of complaints received in 2020 – 2021 through the adults social care procedures.

## 29 Outcomes of complaints:

|               | 2016 - 2017 | 2017 - 2018 | 2018 - 2019 | 2019 - 2020 | 2020 - 2021 |
|---------------|-------------|-------------|-------------|-------------|-------------|
| Upheld        | 9           | 4           | 4           | 15          | 6           |
| Partly upheld | 12          | 8           | 11          | 12          | 6           |
| Not upheld    | 26          | 6           | 5           | 16          | 13          |
| Not proved    | 2           | 1           | 0           | 1           | 0           |
| Not pursued   | 1           | 1           | 1           | 3           | 0           |
| No response   | 0           | 1           | 0           | 6           | 3           |
| Ongoing       | 0           | 0           | 0           | 0           | 0           |
| <b>Total</b>  | <b>50</b>   | <b>21</b>   | <b>21</b>   | <b>53</b>   | <b>28</b>   |

## 30 Response Times

A key requirement of the reform of complaints procedures is the importance of informing service users of the outcome of their complaints, in an appropriate time frame.

The Department of Health guidance on deciding how long it should take to respond to a complaint states:

*“If someone makes a complaint, your organisation has to acknowledge it within three working days. The person making the complaint will want to know what is being done – and when. However, accurately gauging how long an issue may take to resolve can be difficult, especially if it is a complex matter involving more than one person or organisation. To help judge how long a complaint might take to resolve, it is important to:*

- *address the concerns raised as quickly as possible*
- *stay in regular contact with whoever has complained to update them on progress*
- *stick to any agreements you make – and, if for any reason you can’t, explain why.*

*It is good practice to review any case lasting more than six months, to ensure everything is being done to resolve it.”*

## Details of Complaints

### 31 Green Complaints

There were 23 complaints graded as Green in adult services compared to 44 last year. It is noted this is a significant decrease and has returned to levels expected from previous years.

It is however noted 3 complaints received no response. Whilst we recognise this was during the period including arrangements at the height of the Covid 19 pandemic. the CGT is working with managers to ensure all complaints receive a response.

Complaints graded at this level were categorised as follows:

|                     |                                       |
|---------------------|---------------------------------------|
| BI                  | = Be Independent                      |
| CCM                 | = Commissioning & Contract Management |
| Commis<br>Provision | = Commissioning Provision             |
| JC                  | = Joint Commissioning                 |
| A                   | = Assessment                          |
| CH                  | = Care Homes                          |
| Com<br>Provision    | = Community Provision                 |
| MH/S/DOLS           | = Mental health Safeguarding & DOLS   |

**Green Nature of complaint**

|                                  | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|----------------------------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Attitude of staff                | -  | -   | -                | -  | 1 | -  | -             | -         | 1     |
| Disagree with Policy             |    |     |                  |    |   |    |               |           |       |
| Disagree with Assessment         | -  | 1   | -                | -  | 2 | 3  | -             | 2         | 8     |
| Discrimination                   | -  | -   | -                | -  | - | -  | -             | -         | -     |
| Inappropriate Action             | -  | -   | 1                | -  | 1 | -  | -             | 1         | 3     |
| Lack of Action                   | -  | -   | -                | -  | - | -  | -             | 4         | 4     |
| Quality of Advice/ Communication | -  | 3   | -                | -  | 3 | -  | 1             | -         | 7     |
| <b>TOTAL</b>                     | -  | 4   | -                | -  | 7 | 3  | 2             | 7         | 23    |

It is not uncommon for the category disagree with assessment to receive the most complaints. It is also noted there is a higher than usual number of complaints about the quality of advice or communication. It is considered this is because of the work by the CGT to more accurately identify when complaints have arisen through lack of contact or poor quality of communication.

It is however noted that 2 complaints did not receive any response and this is something which will continue to be brought to the attention of senior managers to assist with improving this for future complaints.

**Green Response Times**

|                | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|----------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Within 10 days | -  | 3   | -                | -  | 4 | 2  | 2             | 3         | 14    |
| Within 25 days |    |     |                  |    | 1 |    |               | 2         | 3     |
| Over 25 days   |    | 1   |                  |    | 2 | 1  |               | 2         |       |
| Not Pursued    |    |     |                  |    |   |    |               |           |       |
| <b>TOTAL</b>   |    | 4   |                  |    | 7 | 3  | 2             | 7         | 23    |

It is important to remember that the legislation and guidance for adults does not prescribe actual timescales for responses. However we do manage and monitor performance in this area using best practice across the different complaints legislation and guidance. The above table highlights that we are responding to complaints at this stage within the shortest timescale.

## Green Outcomes

|                  | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|------------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Upheld           | -  | 1   | -                | -  | 1 | -  | -             | 3         | 5     |
| Partially Upheld | -  | -   | -                | -  | 3 | -  | -             | 2         | 5     |
| Not Upheld       | -  | 3   | 2                | -  | 3 | 2  | -             | 1         | 11    |
| No Response      | -  | -   | -                | -  | - | 1  | -             | 1         | 2     |
| Not Pursued      | -  | -   | -                | -  | - | -  | -             | -         | -     |
| <b>TOTAL</b>     | -  | 4   | 2                | -  | 7 | 3  | -             | 7         | 23    |

## 32 Amber Complaints

There were 5 complaints graded as Amber in adult services compared to 7 in the last year.

### Amber Nature of Complaint

|                                  | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|----------------------------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Attitude of staff                | -  | -   | -                | -  | - | -  | -             | -         | -     |
| Disagree with Policy             | -  | 1   | -                | -  | - | -  | -             | -         | 1     |
| Disagree with Assessment         | -  | -   | -                | -  | - | -  | -             | -         | -     |
| Discrimination                   | -  | -   | -                | -  | - | -  | -             | -         | -     |
| Inappropriate Action             | -  | -   | 1                | -  | - | -  | 1             | 1         | 3     |
| Lack of Action                   | -  | -   | -                | -  | - | -  | -             | 1         | 1     |
| Quality of Advice/ Communication | -  | -   | -                | -  | - | -  | -             | -         | -     |
| <b>TOTAL</b>                     | -  | 1   | 1                | -  | - | -  | 1             | 2         | 5     |

### Amber Response Times

|                | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|----------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Within 25days  | -  | 1   | 1                | -  | - | -  | -             | 2         | 4     |
| Within 65 days | -  | -   | -                | -  | - | -  | -             | -         | -     |
| Over timescale | -  | -   | -                | -  | - | -  | 1             | -         | 1     |
| Not Pursued    | -  | -   | -                | -  | - | -  | -             | -         | -     |
| <b>TOTAL</b>   | -  | 1   | 1                | -  | - | -  | 1             | 2         | 5     |

## Amber Outcomes

|                  | BI | CCM | Commis Provision | JC | A | CH | Com Provision | MH S DOLS | Total |
|------------------|----|-----|------------------|----|---|----|---------------|-----------|-------|
| Upheld           | -  | -   | 1                | -  | - | -  | -             | -         | 1     |
| Partially Upheld | -  | -   | -                | -  | - | -  | -             | 1         | 1     |
| Not Upheld       | -  | 1   | -                | -  | - | -  | -             | 1         | 2     |
| No Response      | -  | -   | -                | -  | - | -  | 1             | -         | 1     |
| Not Pursued      | -  | -   | -                | -  | - | -  | -             | -         | -     |
| <b>TOTAL</b>     | -  | 1   | 1                | -  | - | -  | 1             | 2         | 5     |

### 33 Red Complaints

There were 0 complaints graded as Red in adult services, compared to 2 last year.

In addition to the above, there were 2 complaints about adult social care services made under the corporate complaints procedure at stage one. None of them progressed further.

Complaints are dealt with under the corporate procedure when the complainant is not complaining with the consent of the customer, or it may be considered they are not complaining in the customer's best interest.

### 34 Equalities Monitoring Information

Following the guidance and best practice, it is important to understand who is making complaints and so we seek to identify who is making complaints. Only the following information was provided:

#### Gender

|                  |    |
|------------------|----|
| Male:            | 11 |
| Female:          | 16 |
| Male and Female: | 1  |

### 35 Who made the complaints

- 9 complaints were received directly from a customer
- 17 complaints were made by a family member
- 2 complaints were made by an advocate

### 36 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that the LGSCO would find that there has been maladministration by the council causing injustice to the complainant with a recommendation that financial recompense should therefore be paid to the complainant.

Detail of payments made:

|                  |   |
|------------------|---|
| £400.00          | Failed to take specific situation into account, delays and lack of clarity relating to Direct payments. Ombudsman recommendation.         |
| £1,800.00        | Failure to provide support, leading to inability to participate in activities causing distress and frustration. Ombudsman recommendation. |
| £200.00          | Distress and inconvenience as a result of delays in making Direct payments.   |
| <b>£2,400.00</b> | <b>Total</b>  |

### 37 Alternative Dispute Resolution

It is important to note that the complaints regulations and guidance for adult social care complaints are that a plan needs to be agreed between the complainant and the Complaints Manager about how the complaint will be dealt with and responded to, what outcomes are wanted and what can be realistically achieved.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

### 38 Complaints dealt with by the local authority and NHS Bodies

The CGT works with contracted agencies and statutory agencies to identify the main themes concerned in a complaint. Informal agreements are in place to provide the customer with a co-ordinated response with the agency responsible for the provision of the main areas of complaint taking the lead with co-operation from the other agencies as required.

### 39 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint including meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered, so that improvements can be made. The complaints manager is engaging in work with teams across the council to ensure learning from complaints is leading to improvements in services and that evidence of actions being completed are provided. This is relevant to work with adult services, as it is noted although the numbers of complaints are reduced, there are few examples of actions to improve services, being logged with the CGT. Some of the actions which have been logged include the following, in addition to apologies and financial recompense:

- Analyse monthly call time data for customers and cross-reference with invoicing data
- Request regular training updates to ensure staff are completing refresher training when required.
- Request evidence of spot checks continuing on a regular basis.
- Review process for speaking to customers
- Reconsider care costs

## **40 Public Health**

Complaints about services related to the functions of Public Health also fall under the legislation “Local Authority Social Services and National Health Service Complaints (England) Regulations 2009” and are therefore dealt with in the same way as those for adult social care services.

### **Compliments 0 Comments 26**

There have been 2 complaints reported about the functions of Public Health in this reporting period compared to 0 in the previous period.

Both were about the quality of communication relating to the Covid 19 pandemic. 1 did not receive a response. The other was in time and partly upheld.

The action taken following this complaint was to ensure that requests for information are recognised when received and dealt with promptly.



## Annual Corporate Complaints Procedure Report April 2020 to March 2021

### 41 Context

This is the fifth year we have produced an annual report for complaints considered under the Corporate Complaints Procedure. This procedure covers all complaints about services provided by the council where no statutory procedure exists.

All timescales contained within this report are for working days.

In addition the numbers of compliments are also recorded and these are shown below for the directorates as they were known during the reporting period.

| <b>Directorate</b> | <b>2019 – 2020</b> | <b>2020 - 2021</b> |
|--------------------|--------------------|--------------------|
| CCS                | 51                 | 34                 |
| CEC                | 10                 | 5                  |
| EAP                | 82                 | 79                 |
| HHASC              | 63                 | 64                 |
| <b>TOTAL</b>       | <b>206</b>         | <b>182</b>         |

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we are able to provide a true picture of our customers' experiences of the services they receive.

The compliments received included thanks for:

- Standards and adaptations team were friendly and caring and arranged a number of practical things to make life easier
- Thanks for the level access shower adaptation
- Grab rails and shower seat fitted without fuss and expertly by your team, no mess left behind and done quickly
- Thank you for help provided to family following death of tenant.
- Thank you for help to find a new home
- Housing team have been superb with helping me into independent living prompt, considerate and extremely helpful
- Great work to clear the floods
- Worked day and night to support and protect us and our homes. They did a wonderful job.
- Thank you for quick response time of removing graffiti, and the friendliness of the person who came to remove the graffiti
- For clearing the leaves off the foot path, it is very much appreciated

- Praise for closing Rowntree Park, and implementing Covid Marshalls to protect the public.
- Thanks for gritting to thoroughly, installing a new salt bin and also doing the cycle path, has made a big difference in the icy conditions.
- Positive experience with decamp for capital works, communication excellent and work done to a high standard
- Wonderful experiences from the decant team for Capital Projects, making moves effortless, less stressful and informative
- Help with tenants choice, very happy with the outcome
- Helped when I fell whilst running by a member of your repair team
- Thank you for replacement boiler, and excellent service installing.
- Quick removal of fly tipped bin
- Thank you for all the hard work from the crews collecting rubbish during the pandemic
- HWRC extremely well run during appointments
- HWRC staff there are extremely helpful and always cheerful which is appreciated
- The staff and process at Towthorpe HWRC professional and process easy
- Crews returned bin to garage so elderly customer did not need to worry about slipping on the ice.
- Waste staff are doing a great job in the current climate of the pandemic
- Collection man who returned my dog that escaped
- For returning all the refuse bins so neatly to their collection points
- Thank you for always completing assisted collections
- Thank you for replacing salt bins
- Crew spending time showing child how the waste wagons work, providing child with a Christmas gift and always going above and beyond when seeing the child.
- Thank you to contact centre for forwarding requests, resolving queries and remaining polite and professional during a challenging year
- Thank you to the communications team for the resident update emails, information informative and very useful.
- Prompt and effective response to a pothole
- Thank you for prompt action, very happy with the outcome the area is now clear and crossing reinstated.
- Quick response from highways to reports for repair needed to the highway
- Litter pickers doing a great job
- Excellent service from the street cleaning team a job well done
- Thank you to the City Cleaners for the work they are doing tidying up the mess in the City
- Hard work of the team keeping areas clean during the pandemic.
- Thank you for all the help the noise team has given us over the years

- To the Business rates team for helping with the financial support and process during Covid
- Gave clear Council tax advice and was very helpful
- Conducted the wedding ceremony wonderfully contributed to making it memorable.
- Helpful and pleasant and efficient licensing team.
- Thanks to Trading Standards Expr for all the time, advice and support provided throughout. As a result much more confident about dealing with door step callers

The good practice from the statutory processes is clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged in the corporate procedure and these are shown below:

| <b>Directorate</b> | <b>2019 - 2020</b> | <b>2020 - 2021</b> |
|--------------------|--------------------|--------------------|
| CCS                | 179                | 309                |
| CEC                | 19                 | 9                  |
| EAP                | 559                | 1056               |
| HHASC              | 252                | 235                |
| <b>TOTAL</b>       | <b>1,009</b>       | <b>1609</b>        |

It is noted there are 600 more comments in this reporting period and it is believed the reason for this is because of the contingency arrangements made at the beginning of the Covid 19 Pandemic for the way the CGT could support other services across the authority. This led to more cases being picked up by the team at an earlier stage and prior to becoming a complaint.

## **42 Who can make a Complaint?**

The council's corporate complaint policy and procedures states we will accept complaints from

- a member of public or anyone acting on behalf of a customer with the proper authority and consent,

And using any of the following contact methods:

- in person
- by phone
- by letter
- by email
- through our website. [www.york.gov.uk](http://www.york.gov.uk)

### **43 Grading of Complaints**

The CGT assess the appropriate stage to investigate a complaint or referral to the relevant Ombudsman, taking account of issues such as:

- risk to the customer and the authority
- severity of the risk
- whether the issues in question are a one off, are a reoccurrence and likelihood of reoccurrence.

### **44 Response Times**

It is considered good practice that a key requirement of a complaints procedure is the importance of informing service users of the outcome of their complaints in an appropriate time frame.

It is however recognised that these timescales are shorter in all cases than those set out in legislation. The council is currently reviewing ways of ensuring a more thorough investigation at an earlier stage to provide appropriate resolutions for an increased number of complaints. This review will consider how complaints are investigated and the grading and timescales for this.

The time limits for the council's corporate complaints procedure are:

- Stage One 5 working days
- Stage Two 15 working days
- Stage Three 20 working days

There were 502 complaints at stage 1 in this reporting period at stage 1 compared with 1262 last year. This equates to 760 less complaints than last year. It is noted there were 600 more comments logged and it is believed this was due to the contingency arrangements at the beginning of the Covid 19 Pandemic, were cases were being picked up, responded to and resolved by the CGT prior to becoming a complaint.

These contingency arrangements have allowed the CGT to investigate and respond to comments and complaints about corporate (non social care services) and it is believed this has led to the reduction in cases where no response was sent.

These arrangements have been used as the basis for a change to the complaints procedure on a permanent basis and it is expected the benefits for this will therefore continue in the next reporting period.

It is recognised in the next reporting period the further increase in cases the CGT will be responding to directly may result in an initial decrease in cases being responded to in time. However it is considered there will be a significant further reduction in cases where no response is sent and where cases do go out of time. The aim will be to make sure customers are kept up to date and the reasons for this explained.

## Details of complaints

### 45 Stage One Complaints

#### Primary theme by directorate

##### 2019-2020

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/work | TOTAL       |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|---------------------------------------|-------------|
| CCS          | 1              | 25                       | 7                    | 0              | 66                   | 22             | 13                                    | 134         |
| CEC          | 0              | 0                        | 0                    | 0              | 2                    | 4              | 2                                     | 8           |
| EAP          | 6              | 31                       | 69                   | 0              | 271                  | 540            | 27                                    | 944         |
| HHASC        | 5              | 15                       | 6                    | 0              | 64                   | 77             | 9                                     | 176         |
| <b>Total</b> | <b>12</b>      | <b>71</b>                | <b>82</b>            | <b>0</b>       | <b>403</b>           | <b>643</b>     | <b>51</b>                             | <b>1262</b> |

##### 2020-2021

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/work | TOTAL      |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|---------------------------------------|------------|
| CCS          | 2              | 36                       | 12                   | -              | 10                   | 12             | 16                                    | 88         |
| CEC          | -              | 1                        | -                    | -              | 1                    | 1              | 1                                     | 4          |
| EAP          | 4              | 18                       | 44                   | -              | 64                   | 140            | 29                                    | 299        |
| HHASC        | 3              | 16                       | 7                    | 2              | 11                   | 61             | 11                                    | 111        |
| <b>Total</b> | <b>9</b>       | <b>71</b>                | <b>63</b>            | <b>2</b>       | <b>86</b>            | <b>214</b>     | <b>57</b>                             | <b>502</b> |

#### Outcome by directorate

##### 2019-2020

|              | upheld     | Not upheld | Partly upheld | Not pursued | No response | %*        | Not proven | TOTAL       |
|--------------|------------|------------|---------------|-------------|-------------|-----------|------------|-------------|
| CCS          | 38         | 55         | 26            | 4           | 8           | 6%        | 3          | 134         |
| CEC          | 4          | 1          | 0             | 1           | 1           | 11%       | 1          | 8           |
| EAP          | 521        | 165        | 132           | 14          | 90          | 10%       | 22         | 944         |
| HHASC        | 38         | 67         | 27            | 7           | 20          | 11%       | 17         | 176         |
| <b>Total</b> | <b>601</b> | <b>288</b> | <b>185</b>    | <b>26</b>   | <b>119</b>  | <b>9%</b> | <b>43</b>  | <b>1262</b> |

**2020-2021**

|              | Upheld     | Not upheld | Partly upheld | Not pursued | No response | %*        | Not Proven | TOTAL      |
|--------------|------------|------------|---------------|-------------|-------------|-----------|------------|------------|
| CCS          | 20         | 43         | 16            | 4           | 5           | 63        | -          | 88         |
| CEC          | 2          | 1          | 1             | -           | -           | -         | -          | 4          |
| EAP          | 145        | 79         | 43            | 8           | 20          | 7%        | 4          | 299        |
| HHASC        | 20         | 32         | 37            | 12          | 9           | 8%        | 1          | 111        |
| <b>Total</b> | <b>187</b> | <b>155</b> | <b>97</b>     | <b>24</b>   | <b>34</b>   | <b>7%</b> | <b>5</b>   | <b>502</b> |

%\* are rounded up or down to the nearest whole number

**Responding in time performance by directorate  
2019-2020**

|              | In time    | %*         | Out of time | %*         | Not pursued | %*        | TOTAL       |
|--------------|------------|------------|-------------|------------|-------------|-----------|-------------|
| CCS          | 109        | 81%        | 21          | 16%        | 4           | 3%        | 134         |
| CEC          | 4          | 50%        | 3           | 38%        | 1           | 12%       | 8           |
| EAP          | 632        | 70%        | 298         | 31%        | 14          | 1%        | 944         |
| HHASC        | 109        | 62%        | 60          | 34%        | 7           | 4%        | 176         |
| <b>Total</b> | <b>854</b> | <b>68%</b> | <b>382</b>  | <b>30%</b> | <b>26</b>   | <b>2%</b> | <b>1262</b> |

**2020-2021**

|              | In time    | %*         | Out of time | %*         | Not pursued | %*        | TOTAL      |
|--------------|------------|------------|-------------|------------|-------------|-----------|------------|
| CCS          | 76         | 86%        | 8           | 9%         | 4           | 5%        | 88         |
| CEC          | 2          | 50%        | 2           | 50%        | -           | -         | 4          |
| EAP          | 250        | 84%        | 41          | 14%        | 8           | 3%        | 299        |
| HHASC        | 71         | 64%        | 28          | 25%        | 12          | 11%       | 111        |
| <b>Total</b> | <b>399</b> | <b>79%</b> | <b>79</b>   | <b>16%</b> | <b>24</b>   | <b>5%</b> | <b>502</b> |

%\* are rounded up or down to the nearest whole number

## 46 Stage Two Complaints

### Primary theme by directorate

#### 2019-2020

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/ work | TOTAL      |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|--|------------|
| CCS          | 0              | 5                        | 2                    | 0              | 13                   | 3              | 0                                      | 23         |
| CEC          | 0              | 1                        | 1                    | 0              | 1                    | 1              | 1                                      | 5          |
| EAP          | 1              | 6                        | 5                    | 0              | 53                   | 136            | 4                                      | 205        |
| HHASC        | 1              | 7                        | 0                    | 0              | 9                    | 21             | 1                                      | 39         |
| <b>TOTAL</b> | <b>2</b>       | <b>19</b>                | <b>8</b>             | <b>0</b>       | <b>76</b>            | <b>161</b>     | <b>6</b>                               | <b>272</b> |

#### 2020-2021

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/ work | TOTAL      |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|--|------------|
| CCS          | -              | 4                        | 4                    | -              | 4                    | 3              | 1                                      | 16         |
| CEC          | -              | -                        | -                    | -              | -                    | -              | -                                      | -          |
| EAP          | -              | 10                       | 5                    | -              | 22                   | 49             | 4                                      | 90         |
| HHASC        | -              | 3                        | 1                    | -              | 3                    | 12             | 1                                      | 20         |
| <b>TOTAL</b> |                | <b>17</b>                | <b>10</b>            |                | <b>29</b>            | <b>64</b>      | <b>6</b>                               | <b>126</b> |

### Outcome by directorate

#### 2019-2020

|              | Upheld     | Not upheld | Partly upheld | Not pursued | No response | %*         | Not Proven | TOTAL      |
|--------------|------------|------------|---------------|-------------|-------------|------------|------------|------------|
| CCS          | 1          | 16         | 4             | 1           | 1           | 4%         | 0          | 23         |
| CEC          | 1          | 2          | 1             | 0           | 1           | 2%         | 0          | 5          |
| EAP          | 117        | 17         | 23            | 5           | 41          | 2%         | 2          | 205        |
| HHASC        | 11         | 10         | 5             | 3           | 10          | 26%        | 0          | 39         |
| <b>Total</b> | <b>130</b> | <b>45</b>  | <b>33</b>     | <b>9</b>    | <b>53</b>   | <b>19%</b> | <b>2</b>   | <b>272</b> |

#### 2020-2021

|              | Upheld    | Not upheld | Partly upheld | Not pursued | No response | %*         | Not Proven | TOTAL      |
|--------------|-----------|------------|---------------|-------------|-------------|------------|------------|------------|
| CCS          | 2         | 8          | 3             | -           | 3           | 19%        | -          | 16         |
| CEC          | -         | -          | -             | -           | -           | -          | -          | -          |
| EAP          | 46        | 19         | 14            | 3           | 8           | 9%         | -          | 90         |
| HHASC        | 2         | 6          | 5             | 1           | 6           | 30%        | -          | 20         |
| <b>Total</b> | <b>50</b> | <b>33</b>  | <b>22</b>     | <b>4</b>    | <b>17</b>   | <b>13%</b> | <b>-</b>   | <b>126</b> |

## Responding in time performance by directorate 2019-2020

|              | <b>In time</b> | <b>%*</b>  | <b>Out of time</b> | <b>%*</b>  | <b>Not pursued</b> | <b>%*</b> | <b>TOTAL</b> |
|--------------|----------------|------------|--------------------|------------|--------------------|-----------|--------------|
| <b>CCS</b>   | 13             | 57%        | 9                  | 39%        | 1                  | 4%        | <b>23</b>    |
| <b>CEC</b>   | 3              | 60%        | 2                  | 40%        | 0                  | -         | <b>5</b>     |
| <b>EAP</b>   | 86             | 42%        | 114                | 56%        | 5                  | 2%        | <b>205</b>   |
| <b>HHASC</b> | 21             | 54%        | 15                 | 38%        | 3                  | 8%        | <b>39</b>    |
| <b>Total</b> | <b>123</b>     | <b>45%</b> | <b>140</b>         | <b>51%</b> | <b>9</b>           | <b>3%</b> | <b>272</b>   |

## 2020-2021

|              | <b>In time</b> | <b>%*</b>  | <b>Out of time</b> | <b>%*</b>  | <b>Not pursued</b> | <b>%*</b> | <b>TOTAL</b> |
|--------------|----------------|------------|--------------------|------------|--------------------|-----------|--------------|
| <b>CCS</b>   | 11             | 69%        | 5                  | 31%        | -                  | -         | <b>16</b>    |
| <b>CEC</b>   | -              | -          | -                  | -          | -                  | -         | <b>-</b>     |
| <b>EAP</b>   | 65             | 72%        | 22                 | 24%        | 3                  | 3%        | <b>90</b>    |
| <b>HHASC</b> | 6              | 30%        | 13                 | 65%        | 1                  | 5%        | <b>20</b>    |
| <b>Total</b> | <b>82</b>      | <b>65%</b> | <b>40</b>          | <b>32%</b> | <b>4</b>           | <b>3%</b> | <b>126</b>   |

\* are rounded up or down to the nearest whole number



## 47 Stage Three Complaints

### Primary theme by directorate

#### 2019-2020

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/work | TOTAL     |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|---------------------------------------|-----------|
| CCS          | 0              | 2                        | 0                    | 0              | 1                    | 0              | 0                                     | 3         |
| CEC          | 0              | 1                        | 0                    | 0              | 0                    | 0              | 0                                     | 1         |
| EAP          | 0              | 2                        | 1                    | 0              | 0                    | 8              | 0                                     | 11        |
| HHASC        | 0              | 0                        | 1                    | 0              | 4                    | 1              | 0                                     | 6         |
| CEX          | 0              | 0                        | 0                    | 0              | 1                    | 0              | 0                                     | 1         |
| <b>TOTAL</b> | <b>0</b>       | <b>5</b>                 | <b>2</b>             | <b>0</b>       | <b>6</b>             | <b>9</b>       | <b>0</b>                              | <b>22</b> |

#### 2020-2021

|              | Staff attitude | Disagree with assessment | Disagree with policy | Discrimination | Inappropriate action | Lack of action | Quality of advice, communication/work | TOTAL     |
|--------------|----------------|--------------------------|----------------------|----------------|----------------------|----------------|---------------------------------------|-----------|
| CCS          | -              | 2                        | -                    | -              | 7                    | 2              | 1                                     | 12        |
| CEC          | -              | -                        | -                    | -              | -                    | -              | -                                     | -         |
| EAP          | -              | 3                        | 2                    | -              | 1                    | 4              | 2                                     | 12        |
| HHASC        | -              | 1                        | 1                    | -              | 2                    | 7              | 2                                     | 13        |
| CEX          | -              | -                        | -                    | -              | -                    | 1              | -                                     | 1         |
| <b>TOTAL</b> | <b>-</b>       | <b>6</b>                 | <b>3</b>             | <b>-</b>       | <b>10</b>            | <b>14</b>      | <b>5</b>                              | <b>38</b> |

## Outcome by directorate 2019-2020

|              | Upheld   | Not upheld | Partly upheld | Not pursued | No response | %*       | Not Proven | Ongoing  | TOTAL     |
|--------------|----------|------------|---------------|-------------|-------------|----------|------------|----------|-----------|
| CCS          | 0        | 3          | 0             | 0           | 0           | -        | 0          | 0        | 3         |
| CEC          | 0        | 0          | 0             | 0           | 0           | -        | 0          | 1        | 1         |
| EAP          | 3        | 4          | 1             | 2           | 0           | -        | 0          | 1        | 11        |
| HHASC        | 1        | 3          | 1             | 1           | 0           | -        | 0          | 0        | 6         |
| CEX          | 0        | 1          | 0             | 0           | 0           | -        | 0          | 0        | 1         |
| <b>Total</b> | <b>4</b> | <b>11</b>  | <b>2</b>      | <b>3</b>    | <b>0</b>    | <b>-</b> | <b>0</b>   | <b>2</b> | <b>22</b> |

## 2020-2021

|              | Upheld   | Not upheld | Partly upheld | Not pursued | No response | %*       | Not Proven | Ongoing  | TOTAL     |
|--------------|----------|------------|---------------|-------------|-------------|----------|------------|----------|-----------|
| CCS          | -        | 9          | 2             | -           | -           | -        | -          | 1        | 12        |
| CEC          | -        | -          | -             | -           | -           | -        | -          | -        | -         |
| EAP          | 2        | 6          | 2             | 2           | -           | -        | -          | -        | 12        |
| HHASC        | -        | 9          | 2             | 1           | -           | -        | -          | 1        | 13        |
| CEX          | -        | -          | -             | 1           | -           | -        | -          | -        | 1         |
| <b>Total</b> | <b>2</b> | <b>24</b>  | <b>6</b>      | <b>4</b>    | <b>-</b>    | <b>-</b> | <b>-</b>   | <b>2</b> | <b>38</b> |

## Responding in time performance by directorate 2019-2020

|              | In time   | %*         | Out of time | %*         | Not pursued | %*         | Ongoing  | %*        | TOTAL     |
|--------------|-----------|------------|-------------|------------|-------------|------------|----------|-----------|-----------|
| CCS          | 3         | 100%       | 0           | -          | 0           | -          | 0        | -         | 3         |
| CEC          | 0         | -          | 0           | -          | 0           | -          | 1        | 100%      | 1         |
| EAP          | 1         | 9%         | 7           | 64%        | 2           | 18%        | 1        | 9%        | 11        |
| HHA SC       | 5         | 83%        | 0           | -          | 1           | 17%        | 0        | -         | 6         |
| CEX          | 1         | 100%       | 0           | -          | 0           | -          | 0        | -         | 1         |
| <b>Total</b> | <b>10</b> | <b>45%</b> | <b>7</b>    | <b>31%</b> | <b>3</b>    | <b>14%</b> | <b>2</b> | <b>9%</b> | <b>22</b> |

**2020-2021**

|              | In time   | %*          | Out of time | %*          | Not pursued | %*        | TOTAL     |
|--------------|-----------|-------------|-------------|-------------|-------------|-----------|-----------|
| <b>CCS</b>   | 8         | 67 %        | 4           | 33          |             |           | <b>12</b> |
| <b>CEC</b>   | -         | -           | -           | -           | -           | -         | -         |
| <b>EAP</b>   | 8         | 67 %        | 2           | 17 %        | 2           | 17%       | <b>12</b> |
| <b>HHASC</b> | 8         | 62 %        | 4           | 31 %        | 1           | 8%        | <b>13</b> |
| <b>CEX</b>   | -         | -           | -           | -           | 1           | 100 %     | <b>1</b>  |
| <b>Total</b> | <b>24</b> | <b>63 %</b> | <b>10</b>   | <b>26 %</b> | <b>4</b>    | <b>11</b> | <b>38</b> |

%\* are rounded up or down to the nearest whole number

The ongoing case is shown as out of time, rather than ongoing for the in time performance and will be recorded in this way for future reporting periods, to reflect this performance more accurately.

#### **48 Learning Lessons/Practice Improvements**

The council is always happy to consider appropriate ways of resolving a customer's complaint including meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered, so that improvements can be made. The Corporate Governance Team is working with teams across the council to ensure learning from complaints is leading to improvements in services and that evidence of actions being completed are provided. Some of the actions which have been logged include the following, in addition to apologies and financial recompense.

- Managers to consider individual, exceptional circumstances of customer(s), rather than applying policy in a blanket way
- Reminders to staff
- Height of a sign altered
- Improvements to communication processes
- Review of processes
- System updates

- Public participation guidance to be reviewed

As the council is committed to transparency and where there is no conflict or risk to the complainant's interest or could compromise their anonymity, we have included the summary details of the LGSCO findings at Annex 1.

This is similar to how the LGSCO determines which decisions to publish. For the decisions they do publish, they do not use real names. You can search the LGSCO's published decisions on the following link:

<http://www.lgo.org.uk/decisions>

## 49 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's or HOS investigation, it is concluded that the LGSCO or HOS would find that there has been maladministration by the council causing injustice to the complainant; and would recommend that financial recompense should therefore be paid to the complainant.

Details of payments were made:

|          |   |
|----------|---|
| £75.00   | Housing Ombudsman order for failures in communication   |
| £75.00   | Housing Ombudsman order for poor handling of repairs and poor record keeping.   |
| £4193.60 | Costs and distress relating to poor handling of a move for a tenant. Ombudsman recommendation   |
| £600.00  | Wrongly disposed of belongings from a garage for a second time. Ombudsman recommendation  |
| £150.00  | Failure to provide appropriate waste collection services and to provide appropriate containers for the collection of separated recyclable. Ombudsman recommendation |
| £50.00   | Housing Ombudsman order for poor record keeping and complaint handling  |
| £225.00  | Housing Ombudsman Order for failings identified with the works to the property, communication and long delays in its complaint handling.                            |
| £225.00  | Housing Ombudsman Order for failings identified with the works to the property, communication and long delays in its complaint handling.                            |
| £200.00  | Distress, frustration, time and trouble pursuing enforcement relating to parking fine   |
| £400.00  | Lost wages and damage to flooring due to failures to complete repairs   |

|                  |  |
|------------------|--|
| £50.00           | Time and trouble identifying organisation that cut through a cable                     |
| £334.16          | Rent rebate due to property not being ready for occupation when let.                   |
| £698.40          | Rent rebate due to property not being ready for occupation when let.                   |
| £180.00          | Recompense for damage caused to wrongly removing plants                                |
| £425.37          | Distress and recompense for damage to items when jetting the drainage system           |
| £600.00          | Housing Ombudsman order for decorating costs associated with damp and time and trouble |
| <b>£8,481.53</b> | <b>Total</b>   |

## 50 Alternative Dispute Resolution

Based on the good practice guidance in the statutory complaints procedures, the council also considers whether there would be an appropriate alternative way of resolving complaints, in the corporate procedure, rather than completing an investigation.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

## Annex 1

## Complaints received by the LGSCO

| Category  | Received    |
|---|-------------|
| Adult Care Services                                     | 20 Nov 2020 |
| Highways & Transport                                    | 03 Jul 2020 |
| Highways & Transport                                    | 14 Jul 2020 |
| Housing   | 20 Jul 2020 |
| Education & Childrens Services                          | 30 Jul 2020 |
| Planning & Development                                  | 17 Aug 2020 |
| Highways & Transport                                    | 02 Sep 2020 |
| Benefits & Tax  | 14 Sep 2020 |
| Highways & Transport                                    | 09 Sep 2020 |
| Planning & Development                                  | 02 Oct 2020 |
| Education & Childrens Services                          | 06 Oct 2020 |
| Corporate & Other Services                              | 16 Oct 2020 |
| Highways & Transport                                    | 09 Nov 2020 |
| Planning & Development                                  | 17 Nov 2020 |
| Adult Care Services                                     | 23 Nov 2020 |
| Environmental Services & Public Protection & Regulation | 15 Dec 2020 |
| Planning & Development                                  | 07 Jan 2021 |
| Adult Care Services                                     | 14 Jan 2021 |
| Education & Childrens Services                          | 13 Jan 2021 |
| Highways & Transport                                    | 19 Jan 2021 |
| Benefits & Tax  | 01 Feb 2021 |
| Education & Childrens Services                          | 22 Jan 2021 |
| Planning & Development                                  | 05 Feb 2021 |
| Corporate & Other Services                              | 08 Feb 2021 |
| Education & Childrens Services                          | 11 Feb 2021 |
| Highways & Transport                                    | 06 Jul 2020 |
| Planning & Development                                  | 16 Sep 2020 |
| Planning & Development                                  | 28 Oct 2020 |
| Adult Care Services                                     | 05 Nov 2020 |
| Planning & Development                                  | 06 Nov 2020 |
| Corporate & Other Services                              | 20 Nov 2020 |
| Adult Care Services                                     | 30 Nov 2020 |
| Highways & Transport                                    | 02 Dec 2020 |

|   |             |
|---|-------------|
| Environmental Services & Public Protection & Regulation | 21 Dec 2020 |
| Housing   | 10 Dec 2020 |
| Adult Care Services                                     | 18 Jan 2021 |
| Planning & Development                                  | 24 Feb 2021 |
| Benefits & Tax  | 03 Mar 2021 |

## Complaints Decided By The LGSCO

| Category                   | Decided     | Decision                       | Decision Reason   | Remedy  | Service improvement recommendations   |
|----------------------------|-------------|--------------------------------|---|---|---|
| Benefits & Tax             | 06 Apr 2020 | Closed after initial enquiries | Not warranted by alleged mal/service failure              |   |   |
| Planning & Development     | 31 Jul 2020 | Upheld                         | mal & inj   | Apology, Provide information/advice   |   |
| Planning & Development     | 31 Jul 2020 | Upheld                         | mal no inj  |   |   |
| Corporate & Other Services | 17 Jul 2020 | Upheld                         | mal & inj   | Apology   |   |
| Adult Care Services        | 24 Sep 2020 | Upheld                         | mal & inj   | Apology, Procedure or policy change/review  | That the Council reviews its procedures to ensure that safeguarding referrals are checked to ensure they are in the correct Council area and if not, passed on without delay. |
| Adult Care Services        | 09 Sep 2020 | Not Upheld                     | no mal  |   |   |
| Adult Care Services        | 18 Aug 2020 | Not Upheld                     | no mal  |   |   |
| Highways & Transport       | 22 Jun 2020 | Not Upheld                     | No worthwhile outcome achievable by further investigation |   |   |
| Planning & Development     | 02 Nov 2020 | Not Upheld                     | no mal  |   |   |
| Adult Care Services        | 01 Dec 2020 | Upheld                         | mal & inj   | Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance | The Council has agreed to share the lessons learned - about making reasonable adjustments, discussing disability related expenses   |

## Annex 1

|                                |             |                                    |   |  |  |
|--------------------------------|-------------|------------------------------------|---|--|--|
|                                |             |                                    |   |  | (DREs) and explaining its decisions about DREs in writing - with the Council's team responsible for carrying out financial assessments. The Council will remind social care staff of the importance of discussing any special communication needs with clients at the earliest opportunity and make a clear record in its electronic system about any such needs. The Council has agreed to review whether all of its adult social care clients have special communication needs recorded on its system, where needed. |
| Corporate & Other Services     | 30 Jun 2020 | Not Upheld                         | Other reason not to continue with investigation |  |  |
| Education & Childrens Services | 06 Jul 2020 | Upheld                             | mal & inj                                       | Apology, New appeal/review or reconsidered decision, Procedure or policy change/review, Provide services | Review the Council's stage 2 adjudication letter template and ensure it contains information about the 20 working days time limit to submit a stage 3 request.   |
| Planning & Development         | 25 Sep 2020 | Not Upheld                         | no mal  |  |  |
| Education & Childrens Services | 20 Aug 2020 | Closed after initial enquiries     | Other reason not to investigate                 |  |  |
| Benefits & Tax                 | 13 May 2020 | Closed after initial enquiries     | 26(6)(a) tribunal<br>Other                      |  |  |
| Adult Care Services            | 20 Nov 2020 | Referred back for local resolution | Premature Decision - advice given               |  |  |



## Annex 1

|                                |             |                                |   |   |  |
|--------------------------------|-------------|--------------------------------|---|---|--|
| Adult Care Services            | 22 Feb 2021 | Upheld                         | mal & inj   | Apology, Financial redress: Avoidable distress/time and trouble, Provide information/advice, Provide training and/or guidance | The Council has agreed to review the information it provides to clients about what a Direct Payment should not be used for. The Council has agreed to share the lessons learned with staff within its adult social care department.  |
| Adult Care Services            | 24 Sep 2020 | Upheld                         | mal & inj   | Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service, Provide training and/or guidance  | The Council has agreed that it will share the lessons learned of this case, in relation to the importance of ensuring a smooth and timely transition process, with all the staff within its adult social care department who are involved with Transition.   |
| Planning & Development         | 09 Apr 2020 | Closed after initial enquiries | 26(6)(b) appeal to Minister                               |   |  |
| Planning & Development         | 15 Jan 2021 | Not Upheld                     | No worthwhile outcome achievable by further investigation |   |  |
| Highways & Transport           | 25 Nov 2020 | Upheld                         | mal & inj   | Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance, Provide information/advice | The Council has agreed to: <ul style="list-style-type: none"> <li>• provide the Ombudsman with its revised policy confirming it reconciles payments received by its finance department with its Parking Services department; and</li> <li>remind staff to adhere to its complaints policy timescales.</li> </ul> |
| Highways & Transport           | 07 Aug 2020 | Closed after initial enquiries | 26(6)(c) Court remedy                                     |   |  |
| Housing                        | 20 Jul 2020 | Advice given                   | Signpost - go to complaint handling                       |   |  |
| Education & Childrens Services | 30 Sep 2020 | Closed after initial enquiries | 26B(2) not made in 12 months                              |   |  |

|   |             |                                    |  |         |  |
|---|-------------|------------------------------------|--|---------|--|
| Planning & Development                                  | 05 Oct 2020 | Closed after initial enquiries     | Not warranted by alleged mal/service failure         |         |  |
| Highways & Transport                                    | 02 Sep 2020 | Incomplete/Invalid                 | Insufficient information to proceed and PA advised   |         |  |
| Benefits & Tax  | 19 Oct 2020 | Closed after initial enquiries     | Not warranted by alleged injustice                   |         |  |
| Highways & Transport                                    | 19 Feb 2021 | Upheld                             | mal & inj  | Apology |  |
| Planning & Development                                  | 09 Nov 2020 | Closed after initial enquiries     | 26(6)(b) appeal to Minister                          |         |  |
| Education & Childrens Services                          | 05 Feb 2021 | Upheld                             | mal & inj - no further action, BinJ already remedied |         |  |
| Corporate & Other Services                              | 18 Feb 2021 | Upheld                             | mal & inj - no further action, BinJ already remedied |         |  |
| Highways & Transport                                    | 09 Dec 2020 | Closed after initial enquiries     | 26(6)(c) Court remedy                                |         |  |
| Planning & Development                                  | 22 Dec 2020 | Closed after initial enquiries     | Not warranted by alleged mal/service failure         |         |  |
| Adult Care Services                                     | 23 Nov 2020 | Referred back for local resolution | Premature Decision - referred to BinJ                |         |  |
| Environmental Services & Public Protection & Regulation | 28 Jan 2021 | Closed after initial enquiries     | Other Agency better placed                           |         |  |
| Planning & Development                                  | 07 Jan 2021 | Referred back for local resolution | Premature Decision - advice given                    |         |  |
| Adult Care Services                                     | 14 Jan 2021 | Referred back for local resolution | Premature Decision - advice given                    |         |  |
| Education & Childrens Services                          | 10 Mar 2021 | Closed after initial enquiries     | No worthwhile outcome achievable by investigation    |         |  |

|                                |             |                                    |   |  |  |
|--------------------------------|-------------|------------------------------------|---|--|--|
| Highways & Transport           | 02 Mar 2021 | Closed after initial enquiries     | 26(6)(c) Court remedy                             |  |  |
| Benefits & Tax                 | 10 Mar 2021 | Closed after initial enquiries     | Not warranted by alleged injustice                |  |  |
| Education & Childrens Services | 02 Mar 2021 | Closed after initial enquiries     | No worthwhile outcome achievable by investigation |  |  |
| Planning & Development         | 30 Mar 2021 | Closed after initial enquiries     | Not warranted by alleged mal/service failure      |  |  |
| Corporate & Other Services     | 04 Mar 2021 | Referred back for local resolution | Premature Decision - advice given                 |  |  |
| Education & Childrens Services | 11 Feb 2021 | Referred back for local resolution | Premature Decision - advice given                 |  |  |

### Compliance with Agreed Remedies

| Category                       | Decided   | Remedy   | Remedy Target Date | Remedy Achieved Date | Satisfaction with Compliance  |
|--------------------------------|-----------|--|--------------------|----------------------|-------------------------------|
| Planning & Development         | 31-Jul-20 | Apology<br>Provide information/advice  | 11-Sep-20          | 13-Aug-20            | Remedy complete and satisfied |
| Corporate & Other Services     | 17-Jul-20 | Apology  | 17-Aug-20          | 17-Aug-20            | Remedy complete and satisfied |
| Adult Care Services            | 24-Sep-20 | Apology<br>Procedure or policy change/review   | 24-Nov-20          | 23-Nov-20            | Remedy complete and satisfied |
| Adult Care Services            | 01-Dec-20 | Apology<br>Financial redress:<br>Avoidable distress/time and trouble<br>Provide training and/or guidance       | 29-Dec-20          | 21-Jan-21            | Remedy complete and satisfied |
| Education & Childrens Services | 06-Jul-20 | Apology<br>New appeal/review or reconsidered decision<br>Procedure or policy change/review<br>Provide services | 31-Aug-20          | 28-Sep-20            | Remedy complete and satisfied |

|                      |           |  |           |           |                               |
|----------------------|-----------|--|-----------|-----------|-------------------------------|
| Adult Care Services  | 24-Sep-20 | Financial redress:<br>Avoidable distress/time and trouble<br>Financial redress:<br>Loss of service<br>Provide training and/or guidance | 22-Oct-20 | 23-Oct-20 | Remedy complete and satisfied |
| Highways & Transport | 26-Nov-20 | Apology<br>Financial redress:<br>Avoidable distress/time and trouble<br>Provide training and/or guidance<br>Provide information/advice | 24-Dec-20 | 22-Jan-21 | Remedy completed late         |
| Highways & Transport | 19-Feb-21 | Apology  | 19-Mar-21 | 02-Mar-21 | Remedy complete and satisfied |