

Public Report
Overview and Scrutiny Management Board

Committee Name and Date of Committee Meeting

Overview and Scrutiny Management Board – 01 December 2022

Report Title

Annual Compliments and Complaints Report 2021-22

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The purpose of this report is to:

- a) Outline the complaints and compliments that the Council received in 2021/22 in line with statutory requirements.
- b) Identify key trends within complaints and compliments over a five-year period.

Recommendations

Members of Overview and Scrutiny Management Board are asked to:

1. Note the Annual Compliments and Complaints Report for 2021/22.
2. Provide comments on areas that require further improvement regarding complaints handling and reporting.

List of Appendices Included

Appendix 1 Annual Compliments and Complaints Report, 2021/22

Appendix 2 Ombudsman Annual Review letter 2021/22

Appendix 3 Complaint procedures overview

Background Papers

Corporate Complaint Policy

Rotherham Council Rotherham Council - Complaints Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Annual Compliments and Complaints Report 2021-22

1. Background

- 1.1 All councils need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales and in accordance with legislation. The purpose of the annual complaint report is to outline the complaints and compliments that the Council received in the period 1st April 2021-31st March 2022, highlighting key themes and longer-term trends.
- 1.2 The report also explains how the Council has performed against the required standards and includes case studies demonstrating how services have learnt from complaints received.

2 Key Issues

2.1 The performance headlines outlined within the report include:

- In 2021/22, the overall number of complaints received by the Council increased by 17%, going from 931 in 2020/21 to 1117. This increase is due to the normalisation of Council services following the Covid 19 pandemic. In absolute terms, this is the 2nd lowest number of complaints in five years. Complaints have begun to increase to average levels, but they are not quite as high as pre pandemic figures, indicating a residual effect on services and resident behaviour during the year.
- Most Council departments saw an increase in complaints from the previous year. This trend has continued into the current financial year, with complaints appearing to return to average levels over the last five years. Currently 340 complaints were received in the first three months of 2022/23 compared to 290 in the same period in 2021/22, representing a 15% increase.
- The largest percentage increase was in Finance and Customer services from 76 to 108, an increase of 30%. In terms of the total number of complaints received, Housing Services increased the most from 367 to 501, a percentage increase of 27%. Children's and Young People's Services increased from 86 to 110, a percentage increase of 22%. Adult Care increased from 48 to 52, a percentage increase of 8%. Against this trend, Regeneration and Environment decreased slightly from 346 to 341, a decrease of 1% and Assistant Chief Executive's and Public Health also saw a decrease in complaints received (5 to 3 and 3 to 2 respectively). Assistant Chief Executive's decreased from.
- Performance has decreased slightly at 85% of complaint responses within target timescale. Although a reduction on the previous year's performance, it is in line with the 5-year average of 85% and the Council Plan target of 85%. There has been a continued effort made across all council services to improve performance to timescales, and the improvements in children's safeguarding and waste management have been maintained. With complaint levels continuing to fluctuate, as they appear to return to pre-pandemic levels and with three out of seven departments not achieving the existing target, it was agreed to maintain the existing performance target in 22/23. This target will be reviewed again in 2023, particularly as the position stabilises following the pandemic.

- Slightly fewer complaints were upheld in terms of the percentage of complaints responded to. This is where we have investigated and found a problem with the service, with 268 or 24% upheld (235 or 26% upheld in 2020/21 and 365 or 27% upheld 2019/20) of all complaints.
- The majority of complaints (95%) were resolved at stage 1 (only 27, 2% of all complaints, were escalated to stage 2, compared with 25, 3%, in 2020/21).
- 313 (28%) of all complaints were categorised as quality of service. Complaints within this category have decreased from 325 (35%) in 2021/22 (a decrease of 4%). Lack of service accounted for the second highest category of complaints, with 304 complaints (or 27%). Complaints within this category have increased from 189 (20%) in 2021/22 (an increase of 38%). The third highest was delay in service at 201 (18%) received. Complaints within this category have increased from 134 (14%) in 2021/22 (an increase of 33%).
- The number of compliments received has increased by 8%, with 57 more received. However, some Directorates saw an increase in the numbers received and some saw a decrease. Adult Care saw the biggest increase at 68%, 135 more received, followed by Housing at 38%, 66 more received. Public Health and Assistant Chief Executive's also saw a small increase.

2.2 Local Government and Social Care Ombudsman Annual Review letter

- 2.3 The Annual Review letter from the Local Government and Social Care Ombudsman (LGSCO) was received on 20th July 2022, setting out their records of referred complaint investigations. In 2021/22 more complaints were investigated and upheld by the LGSCO than in the previous year. 18 investigated in 2021/22 compared to 6 investigated in 2020/21. The increase is explained in part by operational decisions made by the LGSCO during the first year of the pandemic in 2020 when they were closed to new complaints at the height of the first lockdown and so registered fewer complaints than recent years, creating a backlog of cases which they actioned in 2021. However, 18 LGSCO investigations compared to 1117 complaints received by the Council, is 2% of formal complaints that have escalated.
- 2.4 12 complaints out of 18 investigations were upheld. This equates to an upheld rate of 67%, which is in line with the Ombudsman's figure of the average uphold rate of similar authorities at 68%. 4 upheld complaints were in Adult Care Services, 4 were in CYPS, 1 was in Housing Services and 1 in Planning and Building Control.
- 2.5 Appendix One in the report outlines the LGSCO decisions for the Council for 2021/22 and how these compare with 16 statistical neighbour councils. In 2021/22, the Council is in the middle quarter of the numbers investigated and the numbers upheld. It ranks as 12th out of 16 of total investigated, 11th out of 16 of upheld. In the previous year, 2020-21, the Council benchmarked in the upper quarter for numbers investigated, numbers upheld and % upheld.
- 2.6 It also shows that the majority of complaints that were brought to the LGSCO (57 decided) were deemed invalid or incomplete, referred back for local resolution or closed after initial enquiries. This along with the relatively low number of investigations reflects positively that the Council's complaints

procedures are working effectively to find fair and appropriate local resolutions.

- 2.7 In addition, only 1 Housing Ombudsman complaint decision was received, it was not upheld. This compares to 4 decisions in 2020/21, where 2 were part upheld and 2 not upheld.
- 2.8 Overall, the Annual Review letter presents a mixed view of the Council's handling of formal complaints in 2021/22. The number of investigations increased and the upheld rate is slightly below average. They also noted that the Council paid a large compensation payment and received a Public Interest Report in respect of an Adult Care Services case. They advised that they were pleased the Council accepted the report findings and recommendations and welcomed the proactive approach taken to implement service improvements ahead of the final report being issued.
- 2.9 However, the report also acknowledges that they were disappointed in the Council's late responses to formal enquiries. It states that the Council were late in responding to their enquiries in more than half of the cases investigated during 2021/22. The letter also asks that the Council improve its communication with the Ombudsman's staff and set out the steps taken to ensure that these issues are addressed.
- 2.10 Detailed analysis of the figures and the record of the responses the Council provided to formal investigations advise that out of the 18 investigations, that led to an upheld or not upheld decision, the Council was late providing information on 7 occasions, which is 39% that were responded to out of time and 61% in time. 4 of the 7 were in Adult Care services and the other delayed cases were in Planning, Legal and Asset Management. Although it should be noted that the delay in the Planning case was not caused by the Planning Service itself, but rather due to miscommunication between the Ombudsman and the Council's Complaint Team.
- 2.11 The Complaints Team will work with Services to make sure that they return information in time to meet deadlines, incorporating the revised sign off process introduced in January 2022. The revised process allows better oversight by Strategic Directors when a formal enquiry is received. It is envisaged that their direct involvement in the process will also help their Services meet response deadlines.
- 2.12 In addition, although we are recorded as being 100% compliant with the Ombudsman recommendations following investigation, the Council has been recorded as being unsuccessful in resolving any complaints when formal notification of investigation is initially received, from the Ombudsman. RMBC has resolved 0% of cases at the point of notification that the Ombudsman intends to investigate, compared to a national average of 11%.
- 2.13 In response the Complaints Team will work with Services to check to see if there is anything more that can be done to resolve a complaint after notification of investigation is received. There are often a few weeks between notification and the start of the investigation and therefore there is a small window to try and resolve a case.

- 2.14 In addition, the Local Government and Social Care Ombudsman have also advised that they are working with the Housing Ombudsman on a joint complaint handling code. The Council completed a self-assessment and amended its policy and procedures following publication of the HOS complaint handling code in 21-22 and is currently completing a second self-assessment following changes to the code in 22-23. This means that Council should already be compliant when a new code is launched and it is well placed to amend its processes, as required, following self-assessment.
- 2.15 A number of service improvements have been made over the year, based on the feedback from customers and learning from complaints. Key themes of service improvements have included the reviews of policies and processes; information and advice provided; dealing with delays and improving communication. Examples of the improvements made are included within the Annual Complaints report.

3. Options considered and recommended proposal

3.1 The statistical analysis of the annual report and the departmental breakdowns should be considered and noted. In addition, consideration has been given as to how the Council can further improve its processes for dealing with complaints and compliments to drive improvements to the service for both residents and the Council. Building on the key developments in 2021/22, the Council will again apply particular focus to the following issues:

- Introducing a programme of improvement actions in response to the changes in the regulation of Housing Services (The Charter for Social Housing Residents), the introduction of Tenant Satisfaction Measures by the Regulator of Social Housing and a revised Housing Ombudsman code (see Section 12, Next Steps, in the annual report, for further details).
- Continuing to improve the way in which the Council learns from complaints. That all learning reported is considered and the impact of service improvement is understood and recorded.
- Working to improve performance to complaint procedure timescales.
- Ensuring remedy requests by the Ombudsman are completed within required timescales.
- Increasing the number of compliments recorded, with the Complaints Team continuing to work with managers to ensure that the process for recording and reporting compliments is improved.

4. Consultation on proposal

4.1 The complaint information contained in this report has been previously reported to each Directorate Leadership Team to enable key areas for improvement to be identified.

- 4.2 There has been no further consultation on this report beyond the requirements of internal processes, alongside consultation with the Cabinet member.

5. Timetable and Accountability for Implementing this Decision

- 5.1 A simple timetable to show the stages and deadlines for implementing the proposed improvements outlined in section 3 is to be actioned in 2022/23. Progress against these actions will be reported on as part of the annual report for 2022/23.
- 5.2 The Complaints Team will be accountable for leading on these improvements and for engaging with Directorates on how the approach to handling complaints can be improved. Each Directorate will be responsible for ensuring that the improvements identified are disseminated and implemented within each area of the organisation.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct financial implications arising from this report. The provision of the compliments and complaints service is factored into the Council's budget. If a complaint about an error in a charge for a Council service is upheld, then an appropriate refund will be made in accordance with the Council's Finance and Procurement Procedure Rules
- 6.2 There are no procurement implications arising from this report.

7. Legal Advice and Implications

- 7.1 The Council's approach to handling complaints is informed by the following key pieces of legislation:
- i. Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (Making Experiences Count).
 - ii. The Children Act 1989 Representations Procedure (England) Regulations 2006.
 - iii. Localism Act 2011 (for Housing Services complaints)
 - iv. The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

8. Human Resources Advice and Implications

- 8.1 There are no direct staffing implications arising from this report. However, Human Resources will provide support on further developing the training offer on handling complaints for officers outside of the Complaints Team.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The statutory complaints procedure for Children's and Adult Social Care provides an opportunity for children and young people and vulnerable adults to have their voices heard and to improve service delivery.

10. Equalities and Human Rights Advice and Implications

- 10.1 Investigations through the complaint procedure consider all relevant policy and legislation, including those relating to equalities and human rights.
- 10.2 Improvements have been made to the way that complaints are recorded to ensure that information relating to equality and diversity are captured where the complainant is comfortable to disclose this information.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are no direct implications for CO2 Emissions and Climate Change arising from this report.
- 11.2 However, it is possible for complaints to be made relating the Council's approach to CO2 Emissions and Climate Change and these matters can be formally considered through the Complaint Procedures.

12. Implications for Partners

- 12.1 As outlined in the annual report, improving the way that complaints are dealt with requires a whole-Council approach, with services committing to responding to complaints in a timely fashion and using the intelligence provided by the Complaints Team to make service improvements. It is the responsibility of every service to make responding to complaints and learning from customer feedback a priority

13. Risks and Mitigation

- 13.1 The Council faces pressures on services due to the ongoing impact of the economic slowdown as well as a continued ambition to transform services to deliver financial savings and improve customer experiences. It is vital that customer expectations around what is sustainable for the Council to deliver are properly managed.
- 13.2 To mitigate this, the Council is continuing to engage with the public as appropriate through regular communication, as well as where services are being proposed to be amended.

Accountable Officer(s)

Fiona Boden, Head of Policy, Performance and Intelligence
Stuart Purcell, Corporate Complaint Manager

Approvals obtained on behalf of: -

	Named Officer	Date
Chief Executive	N/A	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Owen Campbell	18/11/22
Head of Legal Services (Deputy Monitoring Officer)	Bal Nahal	18/11/22
Assistant Director of Human Resources (if appropriate)	N/A	Click here to enter a date.
Head of Human Resources (if appropriate)	N/A	Click here to enter a date.

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