

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	ANNUAL REVIEW OF COMPLAINTS 2020/21		
DATE OF DECISION:	16 th NOVEMBER 2021		
REPORT OF:	SERVICE DIRECTOR: LEGAL & BUSINESS OPERATIONS		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY		
N/A		
BRIEF SUMMARY		
<p>This report summarises the type and number of complaints received from the 1 April 2020 to 31 March 2021 together with the Local Government and Social Care Ombudsman annual review for the same period. Overall complaints registered with the council have increased this year (432 this year/344 last year), however there has been a decrease in social care complaints.</p>		
	2020/21	2019/20
Non-Social Care Complaints	65% increase – 334	202
Adult Services Complaints	48% decrease – 19	37
Children and Families Complaints	25 % decrease - 79	105
<p>The Complaints Resolution Team (CRT), based in Legal and Business Operations, administers stage 2 complaints independently from all areas within the Council that the service area has been unable to resolve at initial point of contact (Stage 1), alongside and responsible to the Head of Legal Partnerships who acts as the Council's single point of contact for Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) complaints.</p>		
RECOMMENDATIONS:		
(i)	That the report on complaints outcomes for 2020/21 be noted and to offer any feedback on governance or performance relating to the complaints function to be fed back to service areas and inform future service delivery.	
REASONS FOR REPORT RECOMMENDATIONS		
1.	To update members of this Committee on performance trends and any learning points arising out of complaints made by the public via the Council's complaints procedures during 2020/21. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.	

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| 2. | This report is presented to Governance Committee for information, learning points and feedback purposes as required by the LGSCO as part of its guidance on the governance and oversight of a high performing (good) complaints process. |
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	N/A. The LGSCO requires the Council to report and consider complaints trends and outcomes annually with members and senior management.
DETAIL (Including consultation carried out)	
4.	The effective and responsive management of complaints is a vital part of the Council's overall approach to customer care. In addition, the customer feedback that valid complaints provide can be used to improve service delivery, facilitate Council-wide learning and demonstrate continuous improvement.
5.	At the conclusion of a complaint's investigation, the complainant is advised that if they are not satisfied with the outcome achieved for them by the Council, they may pursue their complaint to the LGSCO or the HO. This provides the customer with an entirely independent source of advice and redress if they remain aggrieved. The Council works closely with the LGSCO or HO to resolve outstanding complaints where appropriate.
<u>Overall Complaints (1 April 2020 and 31 March 2021)</u>	
6.	Continuing with an "immediate service recovery" ethos adopted five years ago, customer facing areas have, until this reporting cycle, been able to decrease the number of complaints recorded year on year, by taking immediate effective action on receipt of an issue from a member of the public. However i) there has been an increase in non-social care complaints in the last reporting year. (for which please see below) ii) While there has been a decrease overall in children's social care complaints, there is an emerging trend demonstrating that children's social care complaints are not currently fully benefitting from initial service recovery measures.
7.	Under the service recovery process, where immediate action is not possible or the issue is identified as a continuing failure within the service area, matters are moved out of 'business as usual' response and recorded as complaints and recorded as such.
8.	By adopting this approach, member of the public are receiving an immediate resolution to the issue for the significant majority of matters referred to the Council, which is generally what is required.
9.	The number of recorded complaints in all areas of the Council initially saw a sharp decrease since the introduction of the immediate service recovery ethos and has delivered significant improvements to the customer journey and satisfaction rates as demonstrated by the decreasing number of recorded complaints.
10.	Last year, however, showed an increase in a limited number of services areas. This is due to a significant proportion of Covid 19 related complaints, mainly in the area of covid related grants and support payments administered by the Council on behalf of the government. The legislation brought in, did not offer a right of review of the Councils decisions in respect of grants and support, and therefore any challenges to decision were processed through the complaints policy to provide an effective 'appeal' process and evidence good governance and oversight of grant decisions. A further decrease in Adult Social care (due to the introduction and subsequent embedding of a dedicated staff member, an experienced manager, dealing with

initial complaint reports) has again been recorded demonstrating continuous improvement in this area of complaints.

A decrease in complaints regarding Children & Families has been recorded where introduction and subsequent embedding of a dedicated staff member dealing with initial complaint reports has had some effect, however there are emerging concerns about the ability of the service to effectively manage complaints at stage 1 and achieve early resolution for the customer to these (often complex) matters.

Non-Social Care Areas

11. From 01/04/2020 to 31/03/21, the council recorded 334 corporate complaints at Stage 1, registered and dealt with by the service area affected:

Stage 1	2020/21	2019/20	2018/19	2017/18
Total	334	202	201	260
Responded in time (20 days)	82%	65%	56%	79%

We are currently unable to report on the percentage or number of complaints upheld at stage 1 as the updated CRM (Lagan (old version) – now called EmPro (new version)) searches do not currently incorporate this function. This is being rectified by an ongoing project to improve the functionality of the software and training for staff entering data and figures should be available from the next reporting year.

12. Of those stage 1 complaints, the following were examined at Stage 2 by the Complaints Resolution Team, following a request from the complainant:

Stage 2	2020/21	2019/20	2018/19	2017/18
Total	73	77	49	45
Responded in time (20 days)	100%	100%	100%	93%

While the number of complaints has significantly increased for the reasons set out above in paragraph 10, the time taken to respond to them within the Council has also improved ensuring the customer has quick and effective communication in response to their complaints in the majority of corporate compliant areas.

Adult Social Care

13. From 01/04/2020 to 31/03/21, the council recorded 19 adult social care complaints. Stage 1 registered and dealt with by the service area affected:

Stage 1	2020/21	2019/20	2018/19	2017/18
Total	19	37	75	64
Responded in time (20 days)	90%	63%	47%	63%

14. Of those stage 1 complaints, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:

Stage 2	2020/21	2019/20	2018/19	2017/18
Total	2	7	9	9
Responded in time (20 days)	100%	100%	100%	80%

The introduction of a dedicated officer to provide quality assurance and early response to complaints in adults has resulted in significant improvements in both response times and quality of responses.

Children & Learning Services

15. From 01/04/2020 to 31/03/21, the council recorded 79 children and learning services complaints. Stage 1 registered and dealt with by the service area affected:

Stage 1	2020/21	2019/20	2018/19	2017/18
Total	79	105	66	69
Responded in time (20 days)	57%	53%	65%	46%

16. Of those stage 1 complaint, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:

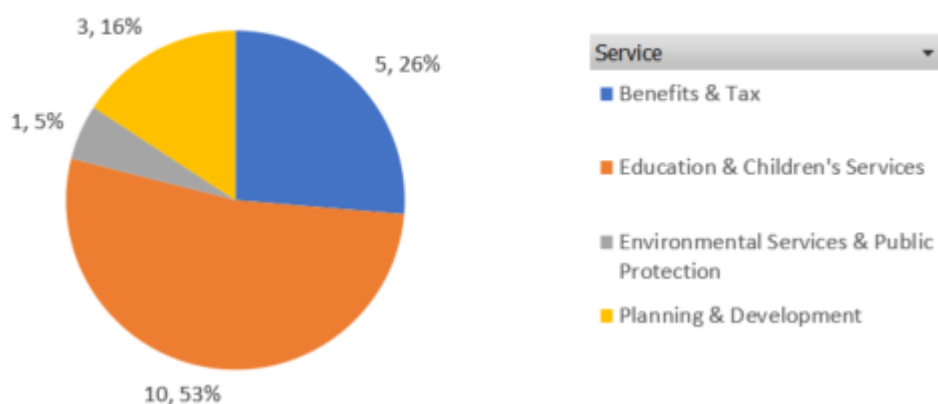
Stage 2	2020/21	2019/20	2018/19	2017/18
Total	12	35	20	11

	Responded in time (20 days)	100%	100%	80%	76%
17.	<u>Learning from Complaints</u>				
18.	<p>While the data from the reporting year shows a marginal improvement on previous year, we have to provide a note of caution on this based on an emerging trend in this years data (which will be reported in the next annual cycle) There is an increasing instance of complaints not being dealt with as effectively as they could at stage 1 of the Children’s statutory complaints process and those Childrens complaints registered under the corporate process. There are often significant delays in responding to complaints, poor record keeping in communications with clients and their families, information and input supplied late or not at all (although slowly improving) through later stages of the complaint’s procedures leading in turn to a percentage increase in complaints proceeding to later stages and in turn being upheld for poor administrative process. This has both reputational and cost implications for the Council. Whilst not strictly related to the reporting from 2020/21 , Governance Committee is provided with this early insight on an emerging trend rather than wait until next year to take action. Meetings have commenced with service area managers to address the root causes of the delays and poor complaint management at stage 1 and additional support is being put in place within the service to try to recover the position and roadmap an improvement plan to pre-empt a significant decline in compliance figures for the next reporting year.</p>				
19.	<p>On a more positive and encouraging note, it should be noted that the vast majority of children’s complaints that are upheld are not generally as a result of service failures to the child or family in question or represent mainly low impact outcomes for those families. Child protection and safeguarding of children in need is not being compromised by these complaint handling errors. For the main, complaints that are being upheld and remedies and financial awards being imposed are as a result of failures to properly identify, consider and respond effectively in a timely manner to complaints within the service areas. As set out above, urgent meetings have been held with children’s services to identify areas of concern and the service area has agreed to develop an action plan to address capacity issues at the point at which stage 1 complaints are reviewed and responded to on behalf of service. That work is currently progressing.</p>				
<u>Local Government & Social Care Ombudsman(LGSCO) & Housing Ombudsman Complaints</u>					
20.	<p>LGSCO complaints, the final ‘independent’ stage for all complaints processes, are dealt with by the Head of Legal Services Partnerships on behalf of the Council. The LGSCO (the Commission for Local Administration in England) provides an independent review of all complaints falling within their jurisdiction. The Housing Ombudsman performs a similar function for landlord related complaints. Housing policy and non-landlord related functions fall to the LGSCO to consider. In an effort to simplify outcomes for complainants the LGSCO has in recent years moved from findings of ‘Maladministration’ and ‘Injustice’ to a more commonly understood term ‘fault’. If ‘Fault’ is found a complaint is recorded as upheld, even if the fault was relatively minor or the Council has already taken steps to remedy that fault and the LGSCO is satisfied with the remedy offered by the Council. All findings are now reported on the LGSCO website within 3 months of the decision being published.</p>				

21.	Statutory reports still remain the highest 'fault' finding the LGSCO can make. These require the Council's Monitoring Officer to prepare a report for consideration at full Council following a period of statutory publication of the findings. Importantly, none have been prepared in recent years. Councils that fail to co-operate with the LGSCO or any of their findings may be subject to enforcement action and ultimately Judicial Review.
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22.		2020/21	2019/20	2018/19
	Complaints Received	19	59	66
	Decisions made	19	57	74
	Statutory reports	0	0	0
	Upheld	8 (67%)	7 (70%)	12 (70%)
	Not upheld	4 (33%)	3 (30%)	5 (30%)
	Closed / invalid, etc.	7	25	11
	Premature Complaints	0	22	28

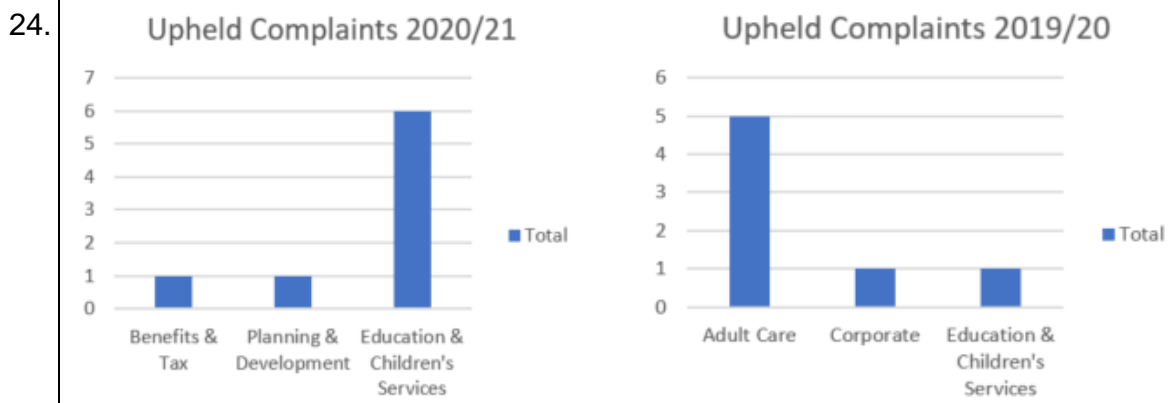
Breakdown of Service Area - complaints received



23. To allow authorities to respond to the Covid-19 pandemic, the Ombudsman did not accept new complaints and stopped investigating existing cases between March and June 2020. This significantly reduced the number of complaints received and decided in the year 2020 – 2021. The Committee should consider this when comparing data from previous years.

67% of complaints were upheld. Whilst the overall number of complaints was significantly fewer than previous years, the percentage and number of upheld complaints remains constant.

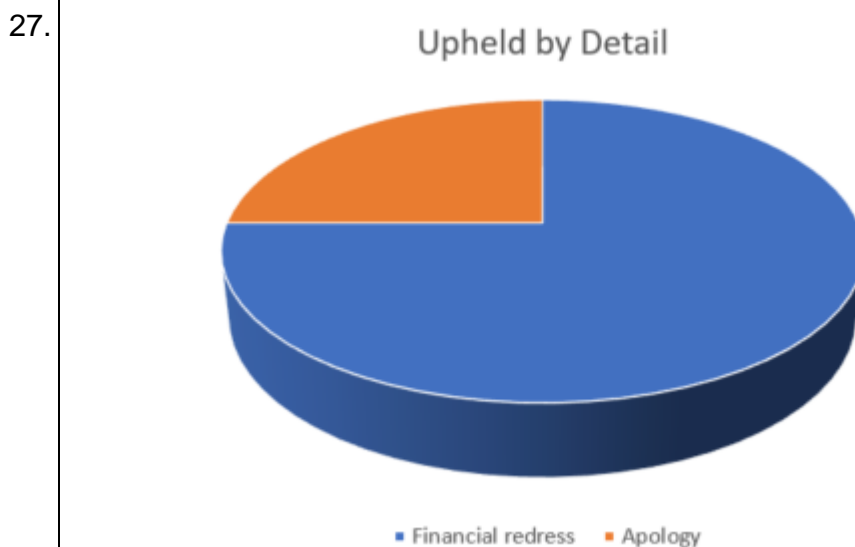
LGSCO Complaints Upheld by area 2020/21



25. Across the 8 upheld complaints by the LGSCO during 2020/21, 6 were in Education and Children's Services, 1 in Benefits and Council Tax and 1 in Planning and Development.

26. The largest percentage of complaints overall were regarding Education and Children's Services (53%) and 60% of these were upheld.

Details of Complaints Upheld



28. Of the 8 upheld complaints, 2 required an apology to the client and 6 required financial redress totalling £12,646

29. Education and Children's Services matters:
 Of the 6 upheld complaints regarding Education and Children's Services, required financial redress totalling £11,950.
 One is an ongoing complaint which was initially closed for the year 2020/2021 and reopened in August 2021, for which £1750 compensation was paid, and reviews of the Child Protection and Child in Need cases managed by social workers were undertaken. The commissioning of interpreters has also been reviewed closely as a recommended action by the Ombudsman.

In a similar case there were shortfalls in communication and the use of interpreters which had since been rectified as per the previous matter, and a payment of £1000 was made for the injustice caused by these faults.

In a double case, a statutorily overcrowded family lived in cold and damp for longer than necessary and were awarded extra housing points, were rehoused and received an apology and payment of £7900 for the delays and failure to accurately assess the situation.

An apology and payment of £1300 was sent to a child in need due to improper planning including a permanent address and education, on his release from custody. The Council's procedures have been amended so it begins planning for children's releases earlier thereby avoiding undue distress.

An additional upheld complaint in this area regarding statutory duties to foster children not being met resulted in an explanation and apology for the frustration to the client along with the Council's commitment to continue to improve its services to children in its care.

Benefits and Council Tax matter:

In this matter, there was fault found in the Council's decision to cancel housing benefit. An apology and refund of £446 in court costs plus an additional £250 directly to the client to reflect the avoidable upset, time and trouble caused in this case.

Planning and Development matter:

Failure to properly investigate noise nuisance, breaches of planning control and unauthorised use of a site opposite the home of a resident resulted in an apology to the client and commitment to take timely enforcement action in the future. This was a difficult site, where a residential property was developed within a predominantly industrial area after existing uses were in place and has resulted in additional learning for enforcement teams where such rare situations occur in future.

How Does Southampton Compare?

30. The table below shows how Southampton performs against key local and unitary comparators (detailed investigations and overall % upheld). This is an edited snapshot of total number of detailed investigations and the percentage upheld and is not intended to give more than a brief overview of comparative pressures / performance. More detail, and statistics for all other Councils, is included in the LGSCO Annual Report referred to above.

31.		2020/21 (Uphold rate)	2019/20 (Uphold rate)
	Bournemouth	9 (69%)	5 (42%)
	Bristol	19 (83%)	33 (61%)
	Brighton & Hove	12 (75%)	17 (53%)
	Hampshire	27 (87%)	38 (55%)
	Plymouth	14 (78%)	23 (52%)
	Portsmouth	2 (50%)	11 (55%)

	Southampton	8 (67%)	10 (70%)																								
32.	<p style="text-align: center;">Uphold Rate by Region</p> <table border="1"> <thead> <tr> <th>Region</th> <th>2019/2020</th> <th>2020/2021</th> </tr> </thead> <tbody> <tr> <td>Southampton</td> <td>70%</td> <td>67%</td> </tr> <tr> <td>Bournemouth</td> <td>42%</td> <td>69%</td> </tr> <tr> <td>Bristol</td> <td>61%</td> <td>83%</td> </tr> <tr> <td>Brighton & Hove</td> <td>53%</td> <td>75%</td> </tr> <tr> <td>Hampshire</td> <td>55%</td> <td>87%</td> </tr> <tr> <td>Plymouth</td> <td>52%</td> <td>78%</td> </tr> <tr> <td>Portsmouth</td> <td>55%</td> <td>50%</td> </tr> </tbody> </table>			Region	2019/2020	2020/2021	Southampton	70%	67%	Bournemouth	42%	69%	Bristol	61%	83%	Brighton & Hove	53%	75%	Hampshire	55%	87%	Plymouth	52%	78%	Portsmouth	55%	50%
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33.	<p>Full details of both the Council’s annual performance letter and the LGSCO Annual Review can be viewed on www.LGSCO.org.uk</p>																										
<u>Learning from Complaints</u>																											
34.	<p>Whilst it is important to note the overall number of complaints received has reduced, mainly due to the Council and the Ombudsman responding to the Covid-19 pandemic, there is still a 67% uphold rate with the majority being in Education and Children’s Services, which shows more attention needs to be given in this area. It is difficult to identify any real common themes with very low numbers such as these, especially during the pandemic, but the majority of complaints that proceed to the LGSCO are down to lack of communication and reflect the same findings identified by the complaints team at stage 2 of the Council’s complaints process, highlighting the Council is making errors in its handling of children’s services complaints and not taking the opportunities to remedy those errors before the matter goes to review by external regulator. This increases significantly the time and cost and reputational damage associated with dealing with these complaints. Except for the financial redress (recommended action) the remaining upheld complaints required an apology for not fulfilling original requests from clients.</p>																										
35.	<p>It should also be noted that complaints and LGSCO data looks back to 2020/21 with a significant delay in annual reporting as national LGSCO annual reports are compiled and distributed to Council’s. Looking forward to this year and the next round of reporting, there is a marked rising trend in children’s complaints and the rise has been significantly higher than anticipated with fewer complaints being resolved earlier in the process than would be expected. Urgent action is in hand with the service area to address what is going wrong with early-stage complaints handling and management oversight of stage 1 complaints to seek to recover the position before year end reporting and to improve the responses we provide our vulnerable families in this important area of Council support.</p>																										
RESOURCE IMPLICATIONS																											
<u>Capital/Revenue</u>																											
36.	None.																										

<u>Property/Other</u>	
37.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
38.	Section 111 Local Government Act 1972 and Section 1 Localism Act 2011.
<u>Other Legal Implications:</u>	
39.	Individual complaints touch on a wide variety of Council duties and powers which are taken into account (alongside pervasive legislation such as the Equalities Act 2010) when reviewing and responding to customer complaints and areas of service recovery or improvement.
RISK MANAGEMENT IMPLICATIONS	
40.	None in relation to this report. No major issues or areas of concern for the Council as a whole highlighted in this year's review however individual complaints are risk assessed on a case-by-case basis.
POLICY FRAMEWORK IMPLICATIONS	
41.	The complaints' function is exercised wholly in accordance with the Council's Policy Framework.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	
2.	

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules /
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		Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		