

ECISION-MAKER:	Governance Committee		
SUBJECT:	Annual Review of Complaints 2022/23		
DATE OF DECISION:	13 November 2023		
REPORT OF:	Director of Governance, Legal and HR		
<u>CONTACT DETAILS</u>			
Director	Title	Director of Governance, Legal and HR	
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	E-mail	richard.ivory@southampton.gov.uk	
Author:	Title	Manager, Complaints Resolution Team	
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STATEMENT OF CONFIDENTIALITY			
N/A			
BRIEF SUMMARY			
This report summarises the type and number of complaints received from 1 April 2022 to 31 March 2023. Overall complaints registered with the Council have decreased this year (506 this year/ 537 last year).			
		2022/23	2021/22
Non-Social Care Complaints	9% decrease –	385	418
Adult Services Complaints	130% increase –	53	23
Children and Learning Complaints	30% decrease -	68	96
The Complaints Resolution Team (CRT), based in the Legal Partnership administers and investigates complaints from all areas within the Council (stage 2) that the service area has been unable to resolve to the satisfaction of the complainant, 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).			
RECOMMENDATIONS:			
	(i)	That the report be noted and the committee’s offers any feedback on governance or performance relating to the complaints function to inform future service delivery.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To update the Committee on performance trends and any learning points arising out of complaints made by the public via the Council’s complaints procedures during 2022/23. Identifying these issues assists the Council as a learning organisation in understanding where things have “gone wrong” in the past year in order to improve service delivery.		
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.		

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 has a good working relationship and works closely with the LGSCO and HO to resolve outstanding complaints where appropriate.

6. **Overall complaints**
Stage One
 Last reporting years corporate increase in complaints was attributed to a larger number of complaints received in the Revenue and Benefits areas of business attributed to challenges to grants (both business and personal), in regard to the Covid 19 recovery period, given by the Government but administered by Local Authorities. This reporting year has seen that spike now abate.
 Adults Social Care has seen an increase in complaints which are mainly in regard to the discrete issue of care fees and related matters Many of these are historic and thus serve to inflate the complaints figures over a reporting year.
 Children and Learning Services experienced a decrease this reporting year as the Single Point of Contact officer (complaints) has exerted a more robust triage procedure for initial reported concerns and has sought to mediate between service management and the service user by way of early communication and immediate service recovery processes, like those adopted some years ago in other service areas.
Stage Two
 Over this reporting year the number of stage two investigations undertaken has shown an increase on previous year’s numbers. The CRT are receiving more requests for stage two reviews for complaints that are upheld at stage one of the complaint process. These generally are requests for review of the resolution offered at stage one and revolve around monetary recompense.

7. **Non-social care areas**
 From 01/04/2022 to 31/03/23, the council recorded 385 corporate complaints at Stage 1, registered and dealt with by the service area affected:

Stage 1	2022/23	2021/22	2020/21	2019/20
Total	385	418	334	202
Responded in time (20 days)	74%	76%	82%	65%

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

	<table border="1"> <tr> <td>Stage 2</td> <td>2022/23</td> <td>2021/22</td> <td>2020/21</td> <td>2019/20</td> </tr> <tr> <td>Total</td> <td>115</td> <td>79</td> <td>73</td> <td>77</td> </tr> <tr> <td>Responded in time (20 days)</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </table>	Stage 2	2022/23	2021/22	2020/21	2019/20	Total	115	79	73	77	Responded in time (20 days)	100%	100%	100%	100%															
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8.	<p>Adult Social Care</p> <p>From 01/04/2022 to 31/03/23, the council recorded 53 adult social care complaints. Stage 1 registered and dealt with by the service area affected:</p> <table border="1"> <tr> <td>Stage 1</td> <td>2022/23</td> <td>2021/22</td> <td>2020/21</td> <td>2019/20</td> </tr> <tr> <td>Total</td> <td>53</td> <td>23</td> <td>19</td> <td>37</td> </tr> <tr> <td>Responded in time (20 days)</td> <td>81%</td> <td>70%</td> <td>90%</td> <td>63%</td> </tr> </table> <p>Of those stage 1 complaints, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:</p> <table border="1"> <tr> <td>Stage 2</td> <td>2022/23</td> <td>2021/22</td> <td>2020/21</td> <td>2019/20</td> </tr> <tr> <td>Total</td> <td>11</td> <td>9</td> <td>2</td> <td>7</td> </tr> <tr> <td>Responded in time (20 days)</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </table>	Stage 1	2022/23	2021/22	2020/21	2019/20	Total	53	23	19	37	Responded in time (20 days)	81%	70%	90%	63%	Stage 2	2022/23	2021/22	2020/21	2019/20	Total	11	9	2	7	Responded in time (20 days)	100%	100%	100%	100%
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9.	<p>Children and Learning Service</p> <p>From 01/04/2022 to 31/03/23, the council recorded 68 Children Services complaints. Stage 1 registered and dealt with by the service area affected:</p> <table border="1"> <tr> <td>Stage 1</td> <td>2022/23</td> <td>2021/22</td> <td>2020/21</td> <td>2019/20</td> </tr> <tr> <td>Total</td> <td>68</td> <td>96</td> <td>79</td> <td>105</td> </tr> <tr> <td>Responded in time (20 days)</td> <td>42%</td> <td>52%</td> <td>57%</td> <td>53%</td> </tr> </table> <p>Of those stage 1 complaint, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:</p> <table border="1"> <tr> <td>Stage 2</td> <td>2022/23</td> <td>2021/22</td> <td>2020/21</td> <td>2019/20</td> </tr> <tr> <td>Total</td> <td>26</td> <td>26</td> <td>12</td> <td>35</td> </tr> <tr> <td>Responded in time (20 days)</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </table>	Stage 1	2022/23	2021/22	2020/21	2019/20	Total	68	96	79	105	Responded in time (20 days)	42%	52%	57%	53%	Stage 2	2022/23	2021/22	2020/21	2019/20	Total	26	26	12	35	Responded in time (20 days)	100%	100%	100%	100%
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10.	<p>Learning from complaints</p> <p>Complaints provide a crucial source of feedback and examination to highlight both good and poor practice. Three examples (one each from Adult Social Care, Children and Learning Services and Corporate areas of the Council are provided below. These examples are taken from Stage two investigations.</p> <p>Corporate Services example</p> <p>A complaint was received with regard to the way in which the application for a dropped kerb was dealt with by the Highways Partnership.</p> <p>An investigation revealed that a number of issues could have been processed in a more expeditious manner and that the details of process and appeal were not clear on the relevant SCC web site pages.</p> <p>Resolution – no fault was found in the decision to refuse the application, but recommendations made in regard to “signposting the correct process to</p>																														

challenge the decision” when the refusal decision is first issued, and to update the web pages to make the challenge process clear. Both have been implemented.

The matter was referred to the Ombudsman, who declined to investigate further.

Adult Social Care example

An adult who had been identified by the Police (Regional Counter Terrorism) as suitable for oversight from the Prevent - Channel Programme (chaired by an officer of the Local Authority) complains about his treatment whilst subject to Prevent – Channel Programme - intervention and oversight.

Investigation (via the Home Office) revealed no previous challenges of this nature were known. Matters were reviewed and policy and legislation examined. No fault was found but recommendation made with regard some minor wording in local policy and process.

The matter was referred to the Ombudsman, who declined to investigate further.

Recently another neighbouring authority had a challenge to its Prevent Channel Programme and were referred to SCC’s process as a benchmark for good practice.

Childrens and Learning Service example

A complaint was raised that CLS were undertaking a safeguarding enquiry, following a referral regarding an unborn child, which was contrary to the Childrens Act 1989.

Enquiries revealed that the Childrens Act 1989 refers to child/children and therefore by definition, as an unborn foetus is not a “child” under the law until the foetus is born, the enquiries cannot be conducted under the Childrens Act 1989.

Further enquiry revealed that:

- a) Statutory Guidance - Working Together to Safeguard Children 2018, determined that in the cases of safeguarding enquiries with regard to an unborn child, as the definition did not fall under the Childrens Act 1989, Local Authorities must have a published local process in place for these type of investigations.
- b) SCC does have an appropriate process and it is published.
- c) Childrens Services staff involved in the safeguarding enquiry had repeatedly informed the parents that the investigation was being conducted under “the Childrens Act 1989”. This is incorrect.
- d) The repeated reference to the Childrens Act had angered the parents and caused significant distrust and confrontation.

Resolution – Childrens and Learning Services have incorporated this point in its twice-yearly service wide training weeks, to prevent further situations of this type to develop.

	<p>The complaint was not referred to the Ombudsman.</p> <p>In conclusion: complaints rarely identify serious flaws in the policy and process of the Local Authority across all of its service delivery. However, the common thread which gives rise to complaints is that of clear communication.</p> <p>Taking advantage of the current upgrade and refresh of the Council web pages, a number of changes have been requested and implemented as a result of complaint findings.</p> <p>These have included:</p> <ul style="list-style-type: none"> a) highlighting of the Councils customer access strategy on the contact us pages, reinforcing expected response time to enquiries. b) temporary updates to auto responders when higher than usual demand on a particular service is affecting response times. c) Inclusion of web links in communications (letters/emails) to signpost the recipients to information over and above that contained within the letter/email. d) earlier identification and intervention to identify those who communicate with the council in an unacceptable way, to manage excessive communication from a single individual whose excessive communication is affecting the council's ability to provide a service to other members of the public.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
11.	None
<u>Property/Other</u>	
12.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
13.	Section 111 Local Government Act 1972 and Section 1 Localism Act 2011.
<u>Other Legal Implications:</u>	
14.	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	
15.	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	
16.	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.	None
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None