

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Digital and Customer Services

LEAD OFFICERS: Strategic Director of Resources (SIRO)

DATE: Thursday, 9 September 2021

PORTFOLIO(S) AFFECTED: ALL

WARD/S AFFECTED: (All Wards);

KEY DECISION: N

SUBJECT:

CORPORATE COMPLAINTS MONITORING REPORT 1st APRIL 2020 – 31st MARCH 2021

1. EXECUTIVE SUMMARY

The monitoring information in this report sets out the complaints and compliments received by the Council for the period 1st April 2020 to 31st March 2021. This information has been compared to data collected from previous years to allow reasonable comparison.

2. RECOMMENDATIONS

That the Executive Board notes the report.

3. BACKGROUND

This is our annual report for feedback received by the Council's complaints team for the period 1st April 2020 to 31st March 2021. It includes a brief summary of all feedback received. Detailed analysis of service feedback will also be produced for individual Departments for discussion at Senior Leadership Teams.

It can be easy to view complaints in a negative light. However, at the Council, we take the view that effective monitoring of the messages provided through a complaints handling process is an essential way for our organisation to learn and improve the way it works.

It is extremely important for a public service provider like the Council to be mindful, at all times, of the feedback our service users provide. The challenge for us as a Council going forward is to encourage our staff to embrace the positives from effective complaints handling. We must ensure that our monitoring processes examine the reasons behind complaints and, wherever possible, avoid these arising again. We must also seek to understand and share good practice so it can be repeated elsewhere in the Council.

A target to reduce the number of complaints is not necessarily a good thing. A low level of complaints could indicate an invisible, inaccessible or unusable complaints procedure. A drop in complaint numbers could be indicative of a general lack of confidence in the process. The important information is the outcome, and not necessarily the numbers received.

An important part of handling complaints effectively is to take time to develop a better understanding of the information our customers/residents tell us. As a Council we should be committed to:

- Identify service failures and take appropriate action;
- Identify where services need to improve;
- Identify poor complaints handling practice and put it right;
- Examine good practice and understand how we might repeat it in other areas;
- Identify trends in complaints and proactively address any issues.

The Council has a 2 stage formal complaints process for non-statutory complaints;
Stage 1 – departmental investigation, and
Stage 2 – corporate review.

Before a complaint can be investigated by the Ombudsman's office, the investigating officer has to be satisfied that the Council has had the opportunity to resolve the complaint. This is not always possible with all cases and a school appeal complaint is one example. Due to the urgent nature of these complaints, they are not required to follow the Council's formal process and customers can request an automatic escalation to the Ombudsman, hence the Council is not able to resolve these sooner.

For Adults and Children's Services complaints we follow a statutory complaints procedure which is a separate jurisdiction to the formal corporate complaints policy. There is a 3 Stage process to follow, for those complaints that are eligible under the Children's statutory complaints procedure (section 27 of the Children Act 1989) before the complainant can escalate their complaint to the Ombudsman.

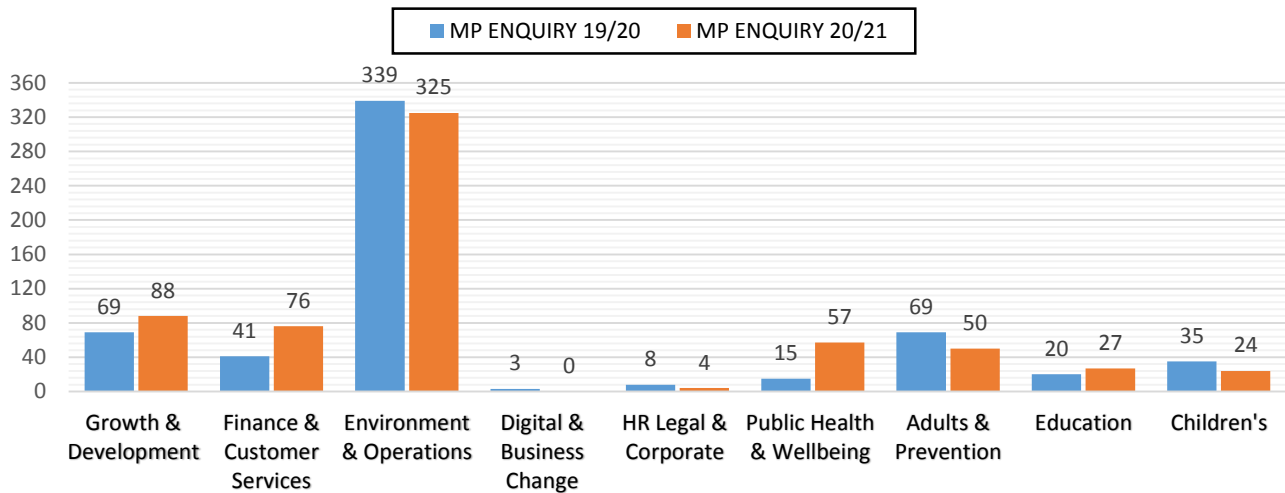
The monitoring information is collected by the Corporate Complaints Team using the SharePoint system for all Adults and Children's complaints.

MP Enquiries

The Feedback Team deal with all MP enquiries centrally, enabling them to monitor the levels and types of enquiries received. This data is then used to inform departments on how we can support MP's offices in finding quicker resolutions/answers to their queries for their constituents.

During the reported year, the Council recorded 651 MP enquiries, which shows an 8% increase from the previous year.

MP Enquiry



There has been a 46% increase in MP enquiries for Finance & Customer Services. Please note that these queries were predominantly around discretionary grants for businesses and self-isolation payments.

We also see another 74% increase within the Public Health department, this in the main is attributed to Covid-19 enquiries and the impact of changes in policy/legislation.

Compliments

The Feedback Team has recorded 179 compliments in the year from April 2020 to March 2021, this is a decrease of 19% from the previous year. Departments have been encouraged to record compliments about Council services to help share good practice and recognise excellent services provided by our staff.

Residents made special mention of the new booking system introduced at the Household Waste Recycling Centre during lockdown, and expressed how well this new system worked for them.

It is worth noting that compliments have seen an average of 25% reduction each year. This could be indicative of lack of customer satisfaction given the pressures within most departments, and/or also that service users do not know how to record their compliment.

Complaints

Definition of a complaint

An expression of dissatisfaction with the standard of service provided by the Authority, or with something the Authority or a member of its workforce may or may not have done.

For example:

- *We do not deliver a service on time;*
- *We give incorrect information;*
- *We wrongly or inconsistently apply Council policies;*
- *We failed to consult properly with, or listen to people on issues that affect them;*
- *The customer has received a poor quality or inappropriate service; or*
- *The customer is unhappy with the actions or conduct of a member of staff.*

Our aim is to resolve all enquiries at the first point of contact. This means that the Council officer who first receives the complaint should make all attempts to resolve the problem to the customer's satisfaction. If this is not possible, the officer should ask the customer if they wish for their complaint to be taken through the formal stages outlined below. The complaint will be dealt with promptly, with courtesy and efficiency, and taken seriously. The customer can expect to receive a high standard of service when they contact any member of our staff.

Informal complaints and Stage 1 (formal) complaints are investigated and responded by individual departments (Service Manager or Head of Service) and supported by the Feedback Team in line with the current policy.

We have recorded 1037 informal complaints for the period 1st April 2020 to 31st March 2021; which is a 25% decrease from the previous year. We have seen a year on year decrease in informal complaints since 2018.

We see an increase in Council Tax complaints however, it is worth noting that due to the introduction of 'alternative dispute resolution' there has been a significant decrease in formal complaints within the same area. We are continuously encouraging managers to be proactive when dealing with concerns/complaints and aim to discuss and resolve at the earliest opportunity. The Complaints Team will support and assist with mediation and arrange meetings with complainants as appropriate.

During lockdown, with many services closed, the Feedback team were not receiving complaints directly due to the uncertainty of whether services were open as usual.

We see a 26% decrease for Environment complaints compared to the previous year. There was a slight rise in complaints during the first half of the year due to missed collections. Most of these were due to lack of recycled waste management by households, leading to waste contamination.

Our recycling contract was transferred back in-house as a Council service from 4th May 2020. Residents putting non-recyclable material into the recycle bin causes problems, as this contamination has to be removed from the recyclates at our sorting plant before the recyclates can then be separated and transferred to the relevant waste recycling plants for treatment. The Council then has to pay for the contaminated materials to be disposed of via landfill or energy from waste plants.

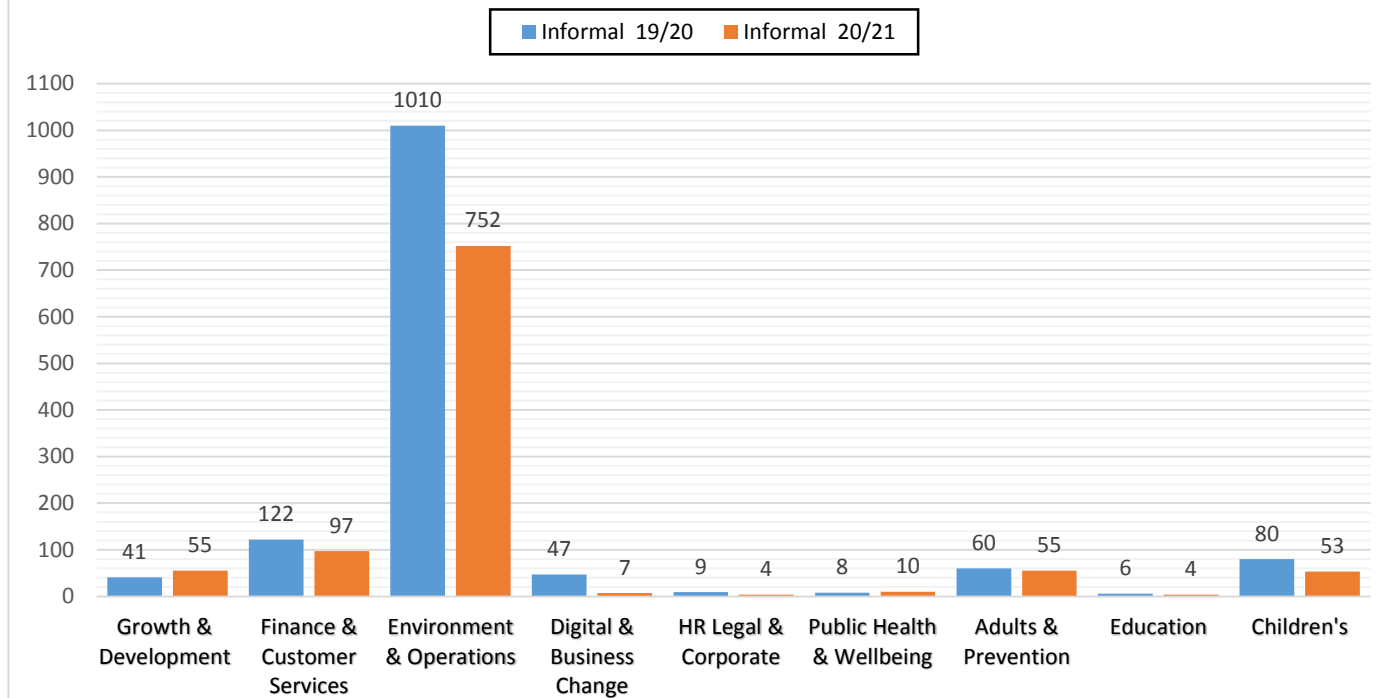
This has led to an increase in complaints from residents because their recycling bin has been 'stickered' and not emptied until the contamination is removed. Council officers have inspected many of the bins which were the cause of complaints and in every case the bins did contain non-recyclable material.

Residents have been advised annually with their recycling calendars, on what to put in their recycling bin and what not to put in it. Additionally, the council has provided an online A to Z of items that can be found in the household, which identifies what residents should do with the items.

Introduction of the new 'blue' recycling bin (card and paper waste), rolled out from March/April, came into effect from the 3rd August 2020 which also contributed to the rise in complaints, whereby residents were unsure about what was allowed to be included in this bin.

These complaints decreased during the second half of the reporting year, as the cleansing team implemented the missed collection process (report missed collections online and directly) and also the crew labelling bins as contaminated and leaving sacks where required.

Informal



Formal Stage 1 complaints have seen a 60% decrease in the reported financial year. The Complaints Team have recorded 22 non-statutory Stage 1 complaints compared to the 51 received in the previous year. This reduction is attributed to the dedicated complaints team now working closer with Service Managers and the successful implementation of 'alternative dispute resolution' (ADR).

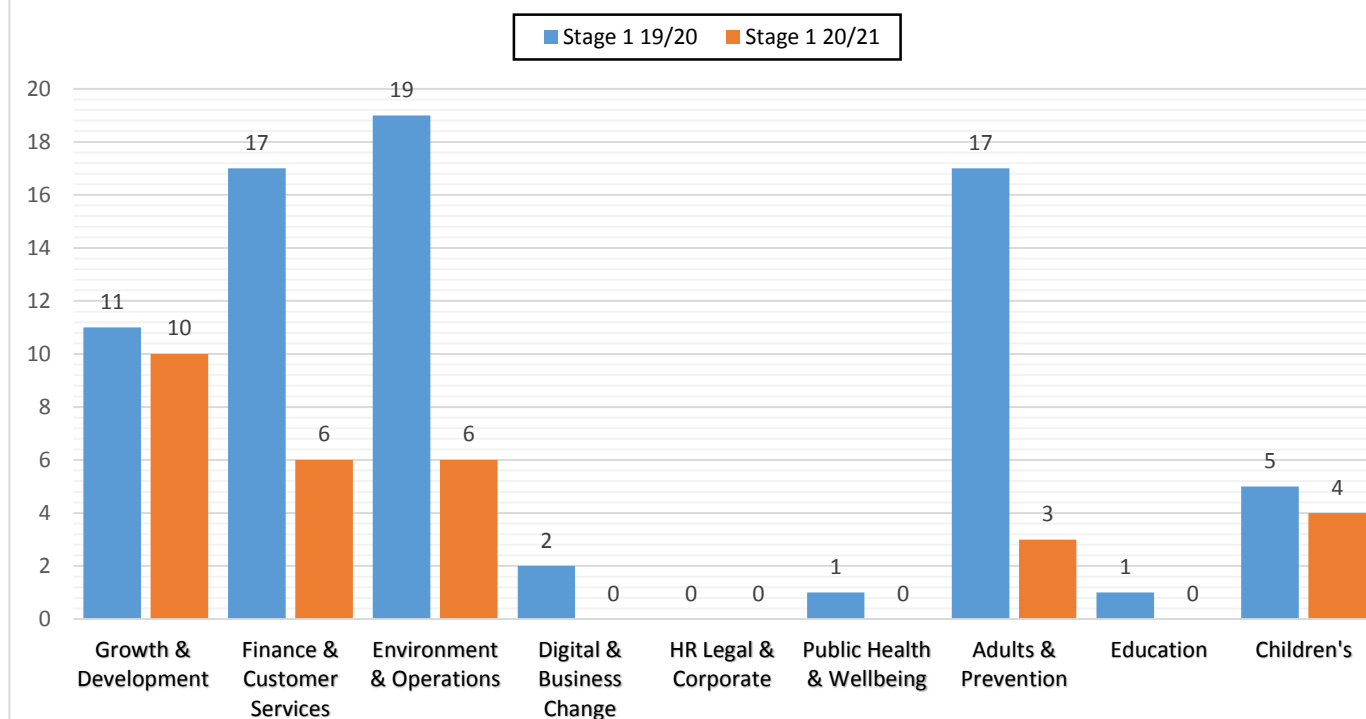
The advantages of ADR means that its cost effective to the Council, and its less protracted for the complainant when issues are resolved at the earliest stage through the means of mediation, informal discussions, and neutral evaluation.

We are also triaging complaints to ensure that we are managing complaints and issues under the right policy/procedure to ensure that the complainant receives a fair hearing and outcome. This helps speed up the process thus reducing time and trouble for both the complainant and the Council.

It is worth noting that from the number of informal complaints recorded; only 3% of these were escalated through to the formal process. From the 22 (non-statutory) Stage 1 complaints received, only 4 complaints were upheld. For the upheld complaints, further service provisions have been made to correct our errors, apologies provided and service improvements put in place to avoid repetition of similar complaints.

The graph below shows all Stage 1 complaints received by Department during the reported period compared to the previous year.

Stage 1



The quality of the investigations carried out at stage 1 (departmental level) and the action plans developed following an investigation is monitored and improved by random sample checking of 10% of investigations and responses by the Corporate Complaints Team.

The Corporate Complaints Team is working hard to improve access for customers when they wish to complain by:

- Making it easier for customers to complain when they wish to do so;
- Resolving the complaint as well as we possibly can at first contact;
- Using root cause analysis to minimise reasons for complaints; and
- Learning from every complaint.

Statutory Complaints

The Children Act 1989 defines the representations procedure as being for 'representations (including complaints)'.

Our complaints procedure ensures that children and young people who make representations have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally.

The overall number of complaints recorded for Children's Services (Social Care) has reduced from 88 (recorded in 2019/20) to 59 recorded for the reported year following the introduction of ADR, whereby every effort is made to resolve complaints informally and de-escalate wherever necessary. The Complaints team has been very successful with this approach thus avoiding the need to address complaints at formal stages. In the previous years, 90% of complaints have been dealt with at the formal Stage 1 level, which allowed automatic escalation for a Stage 2 review at a cost to the Council for commissioning Independent Investigators.

For the reported period only 1 complaint has escalated to Stage 2 of the Statutory Complaints Procedure (independent investigation). This is the same as the previous monitoring period. We have recorded 1 complaint for a Stage 3 Review which was conducted by an independent panel. This complaint was formerly investigated and recorded in our 2019/20 report however, due to Covid-19 restrictions there was a delay in progressing this.

The overall number of complaints recorded for Adult Services has also seen a reduction during this monitoring period, from 51 in the previous year (19/20) to 43 in this reported period (20/21). There were no complaints escalated for a Stage 2 review. Further details can be found in our Annual Complaints Representation Report for both Children’s and Adults.

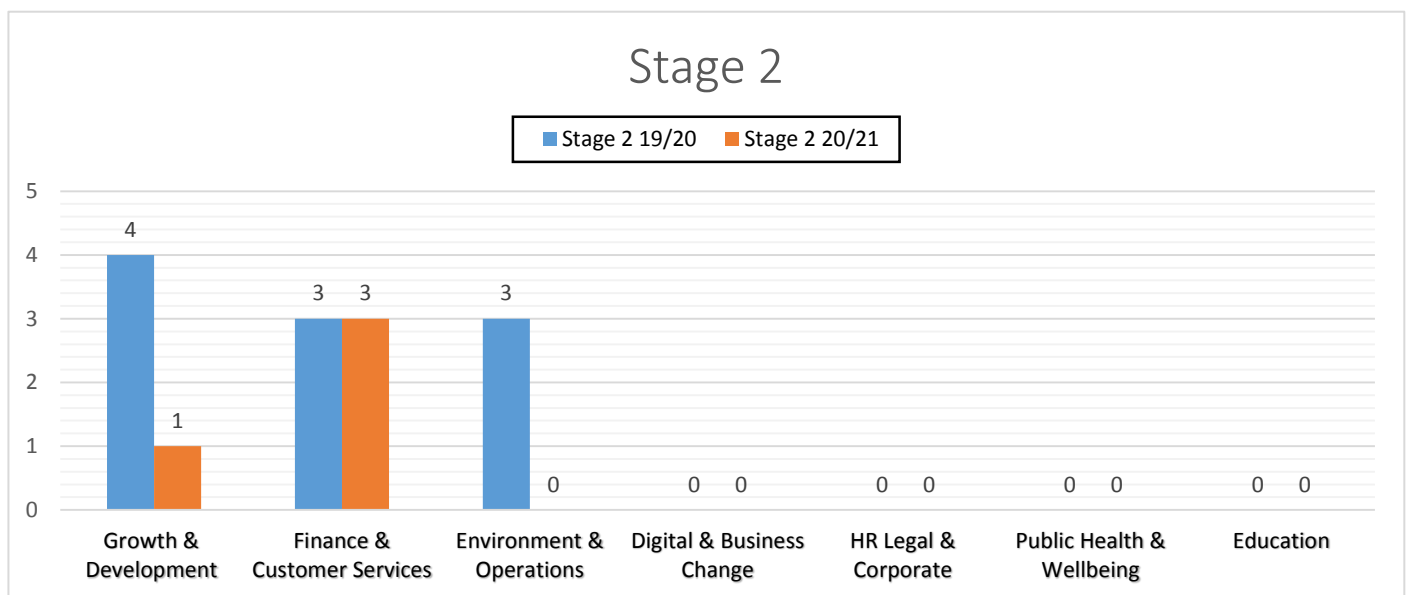
Efforts continue to be made to ensure service users and carers are fully aware of how complaints and representations can be made.

Stage 2 Complaints – impartial investigation

All Stage 2 complaints are investigated and concluded by the Complaints Manager.

The Complaints Team received 4 requests for a Stage 2 review for the reporting period, this is a 60% decrease from the previous year.

The Complaints Manager has been working quite closely with Service Managers and Heads of Service to resolve complaints at earlier stages. Managers have also been supported to liaise with complainants at the earliest stage of their complaint to find a local resolution, by meeting them face to face or discussing options on how we can resolve. We are beginning to see the real benefits of proactive approaches year on year as formal complaints continue to decrease.



For the 4 complaints investigated at Stage 2, only 1 complaint was upheld. For the upheld complaint the outcome included an apology, explanation and assurance that we would review our practice and train our staff.

Service improvement mechanisms have also been put in place to ensure that we learn from this complaint and avoid repetition of similar concerns.

Local Government and Social Care Ombudsman (LGSCO)

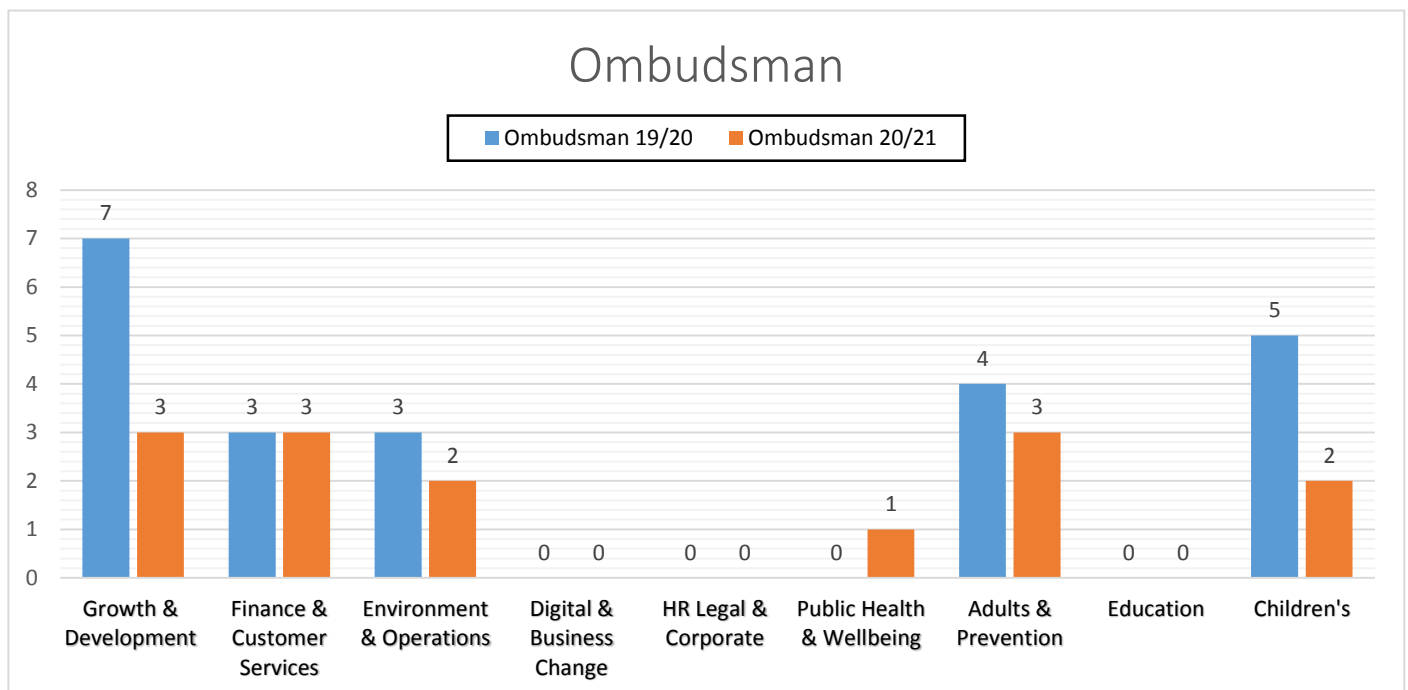
In recent years the Ombudsman's office has started to provide information on the number of complaints upheld and not upheld for the first time. In response to Council feedback, this year they have provided additional information to focus the statistics more on the outcome from complaints rather than just the number received.

They now provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where their recommendations remedied the fault and the number of cases where they decided whether or not the authority had offered a satisfactory remedy during the local complaints process. In these latter cases the LGSCO provide reassurance that the Council had satisfactorily attempted to resolve the complaint before the complainant approached them. In addition, they provide a compliance rate for implementing their recommendations to remedy a fault.

The tables included in the Ombudsman's latest review letter presents the number of complaints and enquiries received and the decisions they have made about the authority during the reported period.

The Local Government and Social Care Ombudsman stopped their casework for 3 months last year to allow authorities to concentrate their efforts on vital frontline services. In their latest annual review letter, they report receiving 27 complaints for Blackburn with Darwen Borough Council during this year. 29 complaints were passed for investigation (these will include some from the previous year) and from these only 4 complaints were upheld.

To put into context the Council received over a thousand complaints throughout the year, of these only 27 complaints (2.5%) were escalated to the LGSCO, with only 4 complaints upheld after further investigation.



The Lancashire Telegraph article regarding the annual report on 28th July 2021 was out of context, misleading and could have easily confused readers. The 80% of complaints upheld in the LGSCO letter is also misleading as it suggests that 4 out of the 5 complaints investigated were upheld, when they have already reported that they investigated 29 complaints. This correctly equates to 14%.

The review letter also goes on to acknowledge that the Council had implemented their recommendations on 100% of the cases upheld. The Council also fared well above average compared to other LA's on satisfactorily remedying complaints before they reached the LGSCO.

On another positive note the LGSCO received 37 complaints in 2019/20, which means we see a 22% decrease this year. 4 of these complaints were upheld. Having reviewed the 4 cases that the Ombudsman has found fault with; the Council only agrees to two of the decisions. The other two are currently been challenged with the Ombudsman by the Link Officer. The Complaints Manager is the Ombudsman's Link Officer for the Council.

The 4 complaints that were upheld are as follows:

19009939 – Complaint against Children's Services

Mr X complained that the Council:

- unreasonably withdrew a plan to extend his property under the Disabled Facilities Grant (DFG) scheme;
- offered him unsuitable options for adapting his property; and
- delayed during the DFG process.

Mr X says this caused him distress and has had a negative effect on his child and other family members.

LGSCO decision:

There was no fault when the Council withdrew initial plans for adaptations and provided Mr X with alternative options. The Council was only at fault in allowing the process to drift significantly. This caused Mr X unnecessary frustration and time and trouble. It also caused Z an injustice because he struggles at times to access the first floor.

Remedy:

- apologise to Mr X for the delays in dealing with his DFG application;
- pay Mr X £150 to acknowledge the unnecessary frustration and time and trouble caused by the Council's delays; and
- pay Mr X £150 on behalf of his son to acknowledge the effect the delays have had on him.

The Council has agreed to these recommendations.

19019924 – Complaint against Environment and Growth Department

Mr X complained that the Council failed to properly investigate and act on his concerns about parking on lanes near his house. He claimed that the parking makes it hard for him to get to his home and makes the lane impassable for emergency and refuse vehicles.

LGSCO decision:

The Ombudsman cannot question a council's decision if it is made using the correct process. In making its decision not to include Roads B and C in a TRO, the Council considered the level of obstruction during a site visit. It also considered the impact parking restrictions would have on the surrounding area. The Council followed the correct procedure and is therefore not at fault.

The Council's communication with Mr X has been unclear and at times contradictory. It first said parking on Road A was restricted and then unenforceable. It failed to explain why it could not enforce the double yellow lines. This was fault. This caused Mr X frustration and stress and meant he spent time pursuing the matter with the Council, his MP and police.

Remedy:

To remedy this, the Council has agreed to apologise to Mr X.

20004504 Complaint against Adult Services

Please note that this complaint was investigated back in 2019 however, the complainant decided to go back directly to the LGSCO for the second part of his complaint.

Mr X, complains his late mother (Mrs Y) has been overcharged for her residential care home placement. He complains the Council commissioned this placement and agreed with the care home that his mother would pay a higher weekly rate than the Council had previously negotiated for itself. This was for the period 1st April – 14th May 2019.

LGSCO decision:

The Council had already offered to reimburse the overpayment by Mr X to the care provider while Mrs Y was still a full-cost payer remedies any outstanding injustice. The Council has already agreed to meet with Mr X to resolve any outstanding payments.

Remedy:

Within one month of the Ombudsman's final decision the Council will arrange to meet Mr X to resolve the outstanding overpayment.

This had already been agreed before we received the Ombudsman's final decision.

20004795 Complaint against Registrars

This complaint wasn't investigated by the LGSCO. We have queried this with the LGSCO.

Mrs X, complains the Council provided her with misinformation about how to correctly register her father's death. Mrs X also complains about the way the Council treated her during this time.

LGSCO decision:

The Ombudsman will not investigate this complaint about the Council providing misinformation when trying to register a death. This is because the Ombudsman would not be able to achieve the outcomes the complainant wants, and because an investigation is unlikely to lead to a different outcome.

The Ombudsman's review letter also goes on to acknowledge that the Council had implemented their recommendations on 100% of the cases upheld. The Council also fared well above average compared to other LA's on satisfactorily remedying complaints before they reached the LGSCO. Our Council is committed to learning from customer feedback. Where complaints highlight that things have gone wrong, managers must identify any remedial and developmental action required to improve service delivery.

4. KEY ISSUES & RISKS

Public Services are under great strain due to continuing budget reductions although we have achieved significant improvements in efficiency. There is a widening gap between public expectations of Local Authority services and the money available to provide them.

For the coming year, complaints to the Council will need to be seen in the context of the impact of these changes to the structures of public services, and the Council will continuously review support for our residents.

5. POLICY IMPLICATIONS

There are none arising from the attached report.

6. FINANCIAL IMPLICATIONS

The LGO findings on the parking complaint has cost the Council £300 in compensation for the reported financial year.

The cost of commissioning Independent Investigators and IP's for the two Children's Services Complaints was £7,714.15.

The Adults complaint that the Council had agreed to remedy before the Ombudsman's decision was £3104.97.

7. LEGAL IMPLICATIONS

The Local Government and Social Care Ombudsman has statutory functions under the Local Government Act 1974 to investigate complaints against councils and about adult social care providers from people who arrange or fund their own adult social care. They investigate complaints from members of the public who allege to suffering injustice as a result of maladministration and/or service failure.

Complaints in relation to children' social care would need to follow the statutory procedure under the Children Act 1989 and [the Children Act 1989 Representations Procedure \(England\) Regulations 2006](#).

The procedure for complaints relating to adult social care must follow the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

8. RESOURCE IMPLICATIONS

There are none arising from the attached report.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

Ombudsman's Office
Service Manager's
Directors

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

CONTACT OFFICER:	Nafisha Master – Governance Manager nafisha.master@blackburn.gov.uk
DATE:	August 2021
BACKGROUND PAPER:	