

# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for Digital and Customer Services

**LEAD OFFICERS:** Strategic Director of Resources (SIRO)

**DATE:** Thursday, 10<sup>th</sup> November 2022

**PORTFOLIO(S) AFFECTED:** Digital and Customer Services

**WARD/S AFFECTED:** (All Wards);

**KEY DECISION:** N

**SUBJECT:**

**CORPORATE COMPLAINTS MONITORING REPORT 1st APRIL 2021 – 31st MARCH 2022**

## 1. EXECUTIVE SUMMARY

The monitoring information in this report sets out the complaints and compliments received by the Council for the period 1st April 2021 to 31st March 2022. 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 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022. It includes a brief summary of all feedback received.

It can be easy to view complaints in a negative light. However, at this 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.

It is to note, that a target to reduce the number of complaints is not necessarily a good thing, as low levels of complaints could indicate an invisible, inaccessible or unusable complaints procedure. A drop in complaint numbers could also 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:

- Identifying service failures and take appropriate action;
- Identifying where services need to improve;
- Identifying poor complaints handling practice and put it right;
- Examining 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.

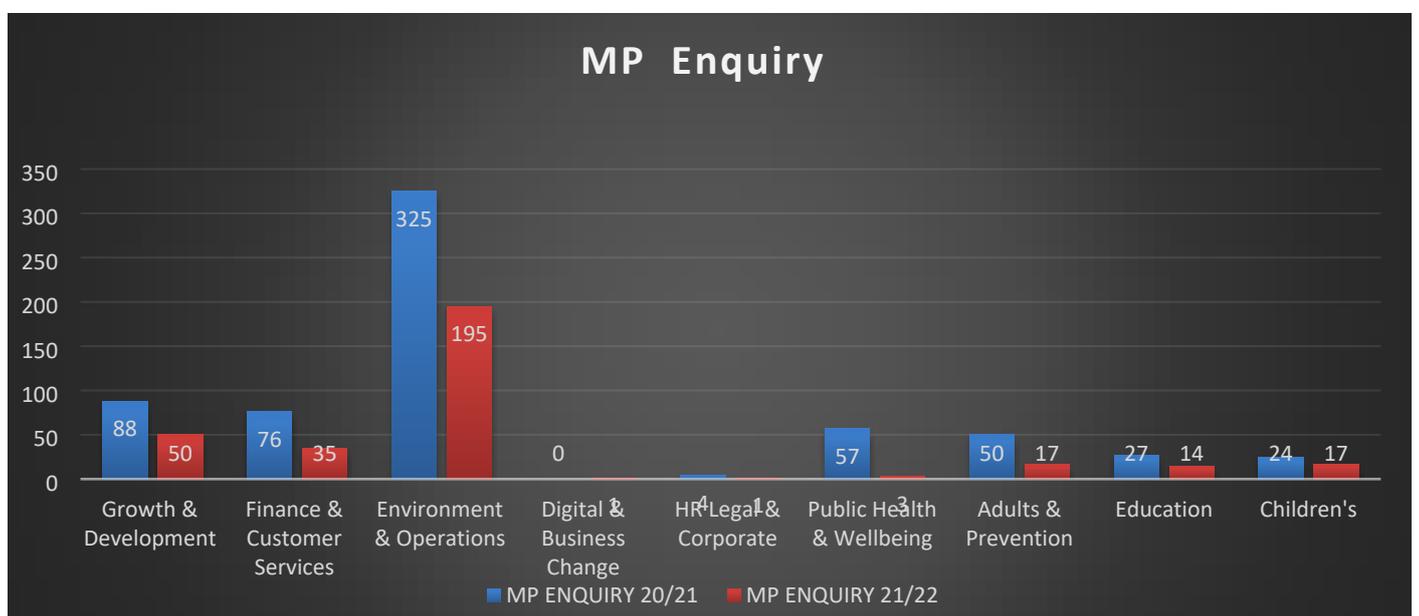
For Adults and Children’s Services complaints we follow a statutory complaints procedure which is a separate jurisdiction to the formal corporate complaints policy. There is a 3 Stage process to follow, for those complaints that are eligible under the Children’s statutory complaints procedure (section 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 and separate annual reports for both areas are produced and uploaded to our webpages for public viewing.

## MP Enquiries

The Feedback Team deal with all MP enquiries centrally, allowing us 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 333 MP enquiries, which shows a 51% decrease from the previous year.

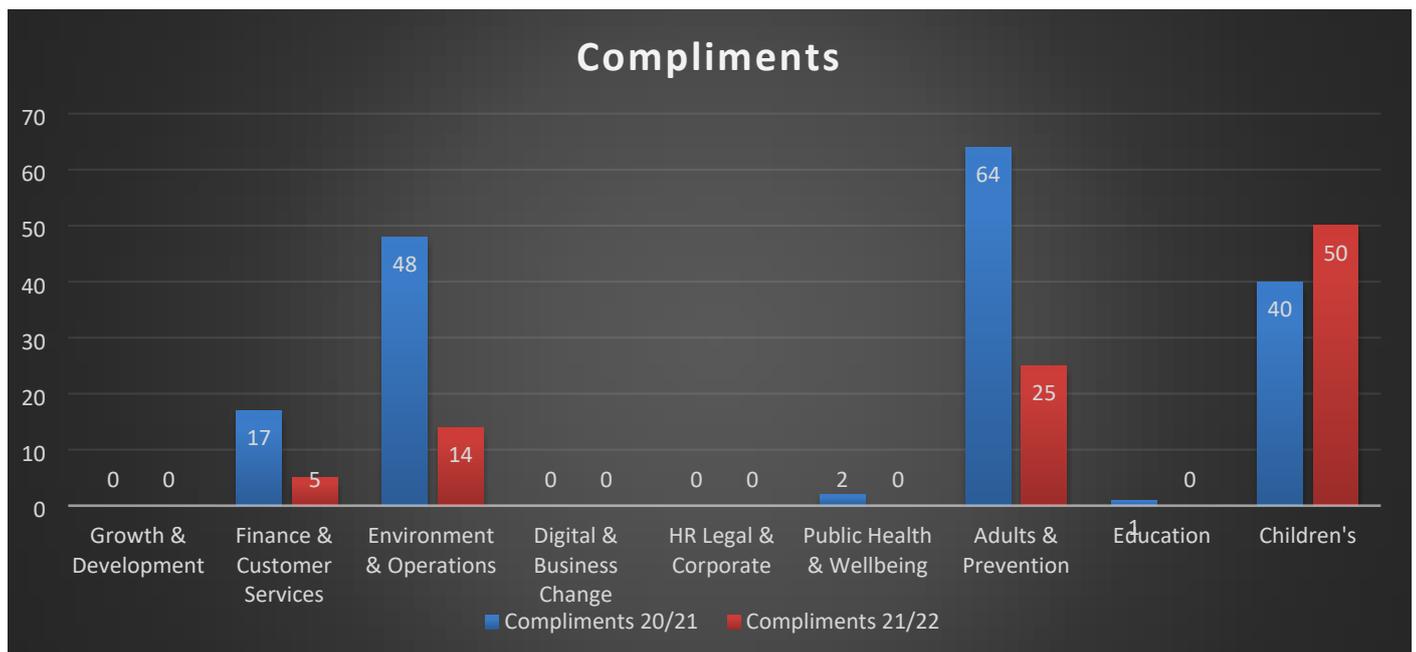


The majority of the enquiries for the Environment & Operations Department were around refuse, parking, highways and network.

The increase in enquiries for the Public Health department last year was attributed to Covid-19 enquiries and the impact of changes in policy/legislation. We see a significant decrease in the number of enquiries during the reported year.

## Compliments

The Feedback Team has recorded 94 compliments in the year from April 2021 to March 2022, this is a decrease by 54% 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.



We see an increase in Children's compliments as the Feedback Team has been working together with the managers in Children's Services to capture positive feedback. Most of the compliments as highlighted in the Annual Representation Report are from families passing praise for our Social Work practice team and our foster carers.

It is worth noting that compliments have seen an average of 30% 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. More work is being done to encourage and capture positive feedback in order to understand and show case services that are getting things right, to help us to share this practice.

## Complaints

### Definition of a complaint

*'A complaint is an expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.'*

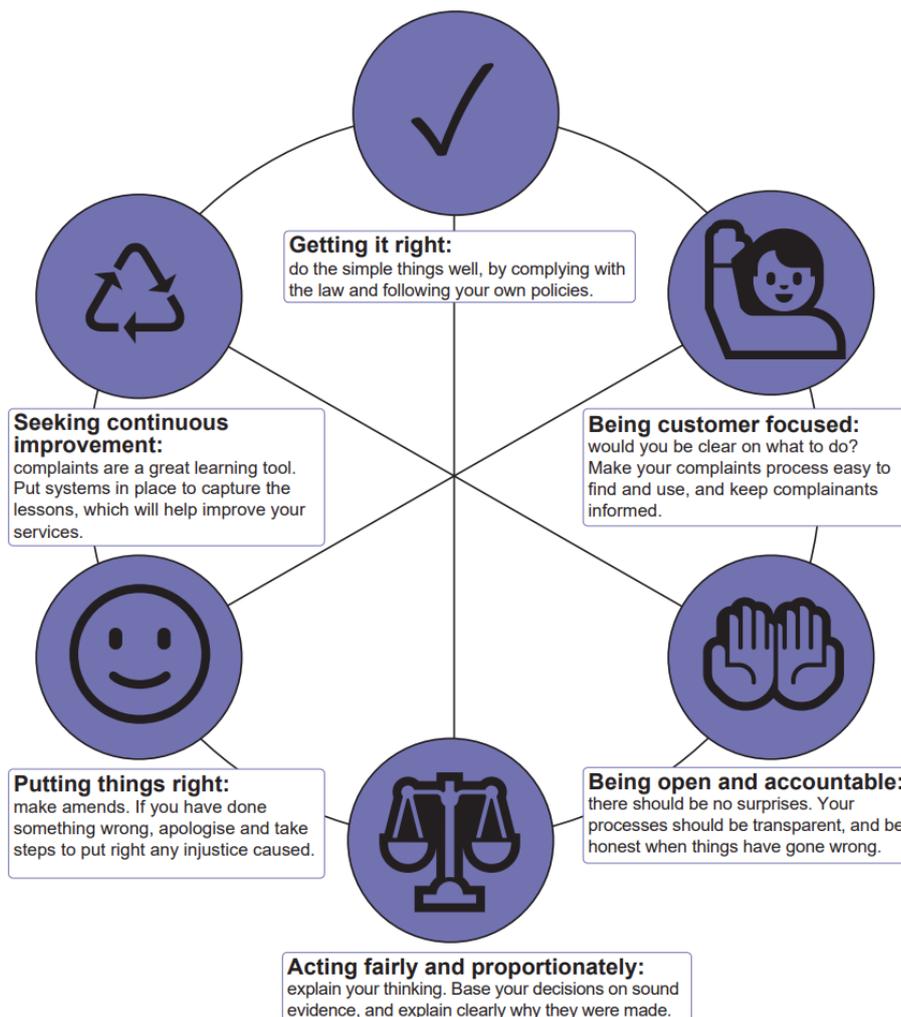
This definition has been reviewed recently in line with the Ombudsman's best practice guidance.

At the Council, we work on the principle that making a complaint should be simple, accessible, clear and straightforward. We believe there is no 'wrong door' for complaints and although the policy and procedure allows for this, there should be no difference between a 'formal' and an 'informal' complaint.

In line with the Local Government Ombudsman's guidance, we have adopted our own 'Complaints Standards' that we feel should be embraced and implemented throughout the whole of the Council.

Our procedures encourage staff to effectively identify and accept a complaint, no matter how it is raised, or with whom.

### Complaints Standards - Principles of Effective Complaint Handling

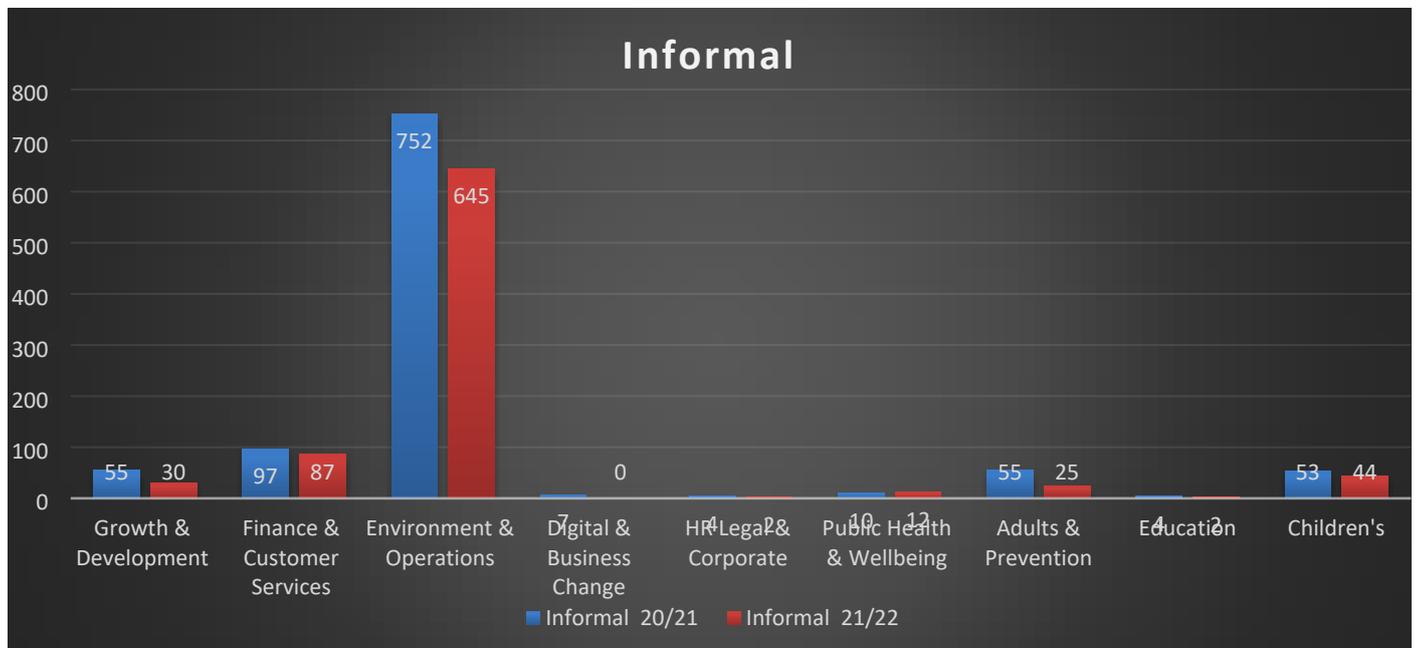


Our aim is to resolve all complaints at the first point of contact. This means that the Council officer who first receives the complaint should make all attempts to resolve the problem to the customer's satisfaction. If this is not possible, the officer should ask the customer what they feel is a reasonable outcome and how they would like the Council to fix this. There are instances where we are unable to achieve a resolution at first contact, and therefore would need to approach the formal stages.

When dealing with a complaint, the customer/service user can expect it to be dealt with promptly, with courtesy, efficiency, and taken seriously. The customer can also expect to receive a high standard of service when they contact any member of our staff.

Informal and Stage 1 (formal) complaints, when received, are logged on our Sharepoint database, then passed for investigation and response by individual departments (Service Manager or Head of Service) and supported by the Feedback Team in line with the current policy.

We have recorded 848 informal complaints for the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022; which is a 19% decrease from the previous year. It is worth noting that we have seen a year on year decrease in informal complaints since 2018.



Since 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.

We see a 15% decrease for Environment complaints compared to the previous year. However, on the whole, recycling complaints have seen a 71% decrease for the year 2021-22, this is largely due to the fact that residents are now accustomed to their recycling responsibilities. August 2020 saw the introduction of a new blue paper cardboard bin which saw an increase in complaints that year, despite the concentrated communications campaign around the introduction, but it is now clear that residents have adapted to this, which has seen such a dramatic reduction in complaints and has also seen a number of cost savings to the Council.

71 complaints for the year 2021-22 shows there is still work to be done. Residents will shortly receive their Christmas calendar which has further information and reminders of what goes into which bin. There is also an A-Z list on the Council website, along with a pictorial guide and games to educate residents on their recycling responsibilities.

In contrast Refuse complaints for the year 2021-22 are up from 120 to 173, a 44% increase.

Garden waste complaints also saw an increase of 9.5% up from 42 to 46.

Sadly due to the HGV driver shortage, BwDBC has seen a number of its drivers leave for higher paid jobs. This combined with obvious difficulties in recruiting new HGV drivers, not just within

Blackburn with Darwen, but also nationally, has impacted heavily on collections, as has sickness absence due to Covid.

A major recruitment session successfully took place last month which now sees the department back to having 85% of its total HGV drivers in post. A further recruitment session is planned shortly in addition to upskilling more staff within the service to become HGV drivers.

## STAGE 1

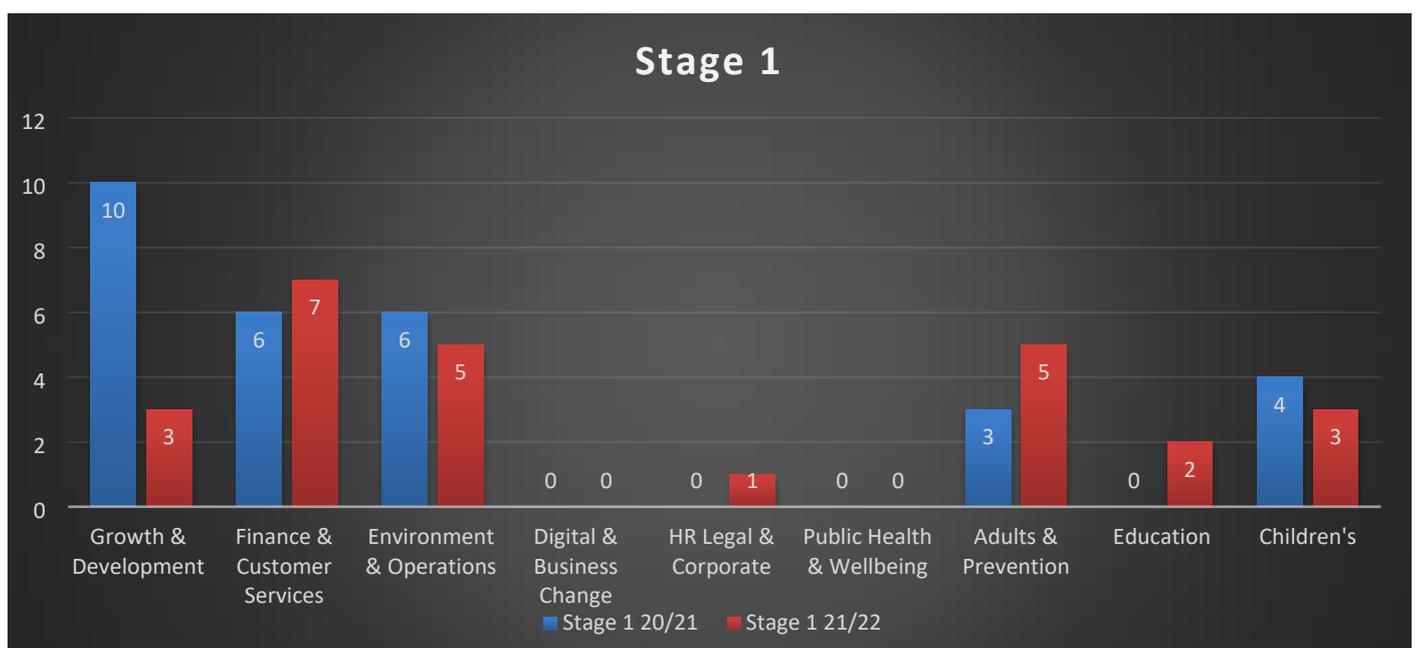
Formal Stage 1 complaints have seen a 10% decrease in the reported financial year. The Complaints Team have recorded 26 Stage 1 complaints compared to the 29 received in the previous year. This reduction is attributed to the dedicated complaints team now working closer with Service Managers and the successful 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 total number of informal complaints recorded; only 3% of these were escalated through to the formal process. Of the 26 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.



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)'.

It provides a statutory procedure for a child or young person who is likely to want to make representations, including complaints, about the actions, decisions or apparent failings of a local authority's children's social services provision; and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right. Complaints of a general nature which are not concerned with an individual case are also likely to fall outside the statutory definition, as are anonymous complaints.

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as 'problems not being sorted out'. A common theme amongst children and young people is the need for complaints procedures to be both fast and effective: complaints procedures should 'get it sorted' straight away.

Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority. Enquiries or comments about the availability, delivery or nature of a service which are not criticisms are likely to constitute representations, for example, children and young people should be able to put forward ideas or proposals about the service they receive, or the establishment they live in, without having this framed as a complaint.

Representations should, as far as possible, be sought out and welcomed as a measure of satisfaction. Representations that are not complaints should also be recorded and handled in the first instance locally (Stage 1). The local authority should ensure that it responds to the issues raised, setting out what action should be taken. Local authorities should make children and young people aware of how they may make representations to the local authority and that they do not have to be complaints. The child or young person has the same right to advocacy whether the representation is a complaint or not.

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 57 (recorded in 2020/21) to 47 recorded for the reported year following the introduction of alternative dispute resolution, 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.

The overall number of complaints recorded for Adult Services has also seen a 46% reduction during this monitoring period, from 43 in the previous year (20/21) to 23 in this reported period (21/22). 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.

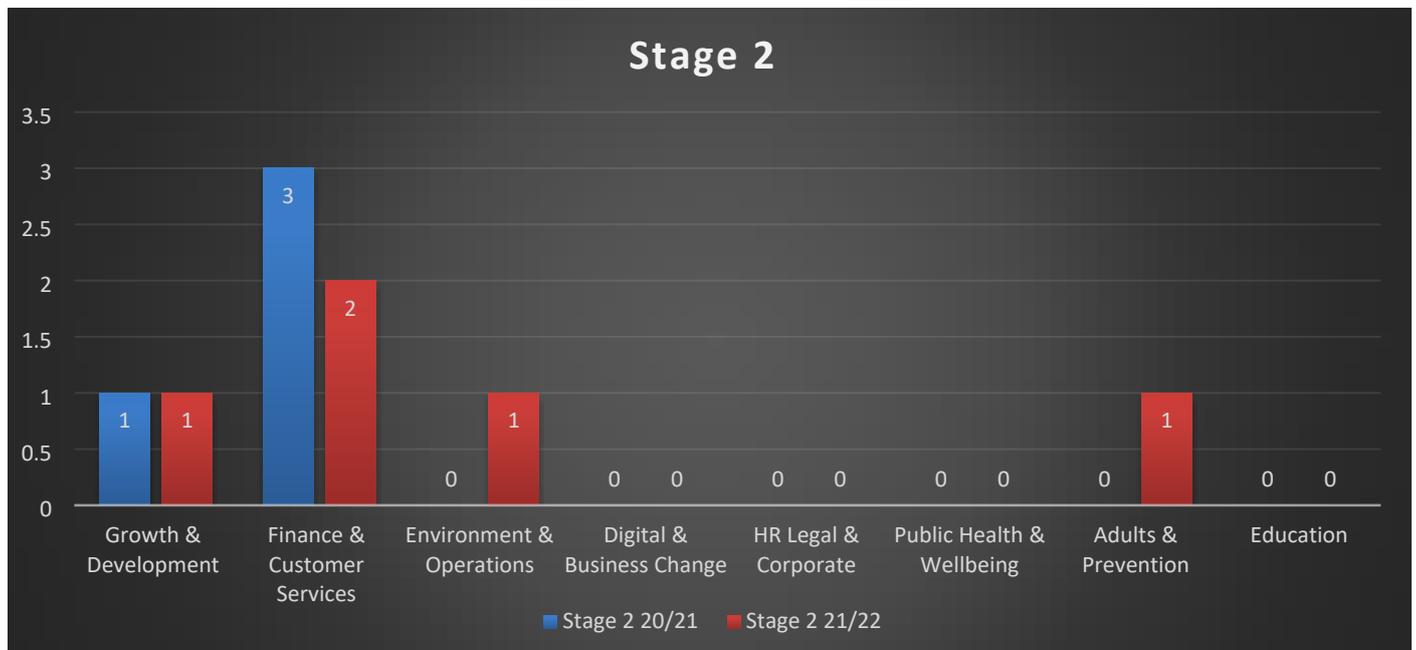
Efforts continue to be made to ensure service users and carers are fully aware of how complaints and representations can be made.

### Stage 2 Complaints – impartial investigation

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

The Complaints Team received 5 requests for a Stage 2 review for the reporting period, this is a slight increase from the 4 we received in the previous year.

The Complaints Manager has been working 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 5 complaints investigated at Stage 2, only 1 complaint was upheld for the Finance & Customer Services Department. The upheld complaint was in relation to Housing Benefit, and our impartial investigation outcome included an apology, explanation and assurance that we would review our practice and train our staff to ensure that this error is not repeated again. Service improvement mechanisms have also been put in place to ensure that we learn from this complaint.

## **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 information offers valuable insight about our organisation's approach to complaints. As such, the Ombudsman has shared his review letter with the Leader of the Council and our Chief Executive to encourage effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve.

Their statistics focus on three key areas that help to assess the Council's commitment to putting things right when they go wrong:

- Complaints upheld - they uphold complaints when they find fault with the Council's actions, including where the Council accepted fault before they investigated. They include the total number of investigations completed to provide context for the statistics.
- Compliance with recommendations - They recommend ways the Council can put things right when faults have caused injustice and monitor our compliance with their recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.
- Satisfactory remedy provided by the authority - In these cases, the Council upheld the complaint and Ombudsman has agreed with how it offered to put things right. They encourage the early resolution of complaints and credit Council's that accept fault and find appropriate ways to put things right.
- Finally, they compare the three key annual statistics for our Council with similar authorities to provide an average marker of performance.

The information in the published review letter on the highlights the number of complaints investigated by the Ombudsman for the reported year and the outcome of each investigation.

More detail on the published review letter can be found on their website:

[Blackburn with Darwen Council - Local Government and Social Care Ombudsman](#)

The Local Government and Social Care Ombudsman (LGSCO) investigated 26 complaints for Blackburn with Darwen Borough Council compared to the 29 in the previous year. Out of the 26 complaints only 1 complaint was upheld, compared to 4 during the previous year. Please note that the one upheld complaint had already gone through the Council's Children's statutory complaints process and both the Complaints Manager and the independent investigators highlighted the same fault in their earlier investigations. The LGSCO concurred with our findings.

The Annual review letter is a little misleading in highlighting that 50% of the complaints the Ombudsman investigated were upheld as they have only reported that they investigated 2 complaints. The detailed spreadsheet shows that they actually investigated 26 complaints with 2 detailed investigations. The average for similar Authorities is 64% putting us below that average and also indicates that we as a Council are taking complaints seriously with robust measures in place to avoid further escalation.

The one upheld complaint reported was against Children's Social Care and the Ombudsman decided not to publish the outcome or statement because it is likely, given the facts of the case, that publication would identify the complainant and his family.

The Ombudsman found that there was fault caused by the Council during the course of their investigations, and therefore recommended that the Council should pay him £100 in recognition of that injustice. The Council have complied with the remedy and recommendation.

### **Supporting complaints and service improvement**

The LGSCO accepts the Council will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is the Ombudsman's continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic.

Through the lens of this recent upheaval and adjustment, the Ombudsman urges us to consider how our organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

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.

As a council we take any complaints extremely seriously and we have a transparent and robust complaints policy that actively encourages our residents to provide us with their feedback, and we are satisfied that our complaints policy allows residents to raise issues of concern with us.

As a council, we always try to deal with any complaints raised promptly and where we are unable to find a resolution for the resident, we will almost always provide them with the Ombudsman's details for them to escalate their complaint.

## **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

There are no financial implications arising directly from the recommendations in this report.

## 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

Various communications and dialogue have taken place with the LGO office, Chief Officers and Service Managers in relation to complaints that have been received over time, which have included 'lessons learnt' and service improvements.

## 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.

<b>CONTACT OFFICER:</b>	Nafisha Master – Governance Manager nafisha.master@blackburn.gov.uk
<b>DATE:</b>	10 <sup>th</sup> November 2022
<b>BACKGROUND PAPER:</b>	