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| <b>Name of Scrutiny Panel</b>          | Strategy and Performance  |          |
| <b>Meeting Date</b>                    | 31 October 2022   |          |
| <b>Subject</b>                         | Annual Complaints and Compliments Briefing Note (inc LGO update).                           |          |
| <b>Wards Affected</b>                  | All Wards   |          |
| <b>Report of</b>                       | Director, Public Services   |          |
| <b>Type of Item</b><br>(please tick✓ ) | <b>Review existing policy</b>   |          |
|  | <b>Development of new policy</b>  |          |
|  | <b>Performance management (Inc. financial) Briefing (Inc. potential areas for scrutiny)</b> | <b>x</b> |
|  | <b>Statutory consultation</b>   |          |
|  | <b>Council request</b>  |          |
|  | <b>Cabinet request</b>  |          |
|  | <b>Member request for scrutiny (CCFA)</b>   |          |

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| <b>Why is it coming here?</b>  |
| <p>The purpose of this report is to provide an overview of the complaints and compliments that were received by the Council during the period 1 April 2021 to 31 March 2022.</p> <p>It should be noted that Adult Health &amp; Social Care and Children’s Social Care complaints and compliments are reported separately as these are managed through separate statutory complaints procedures.</p>  |
| <b>What are the key points?</b>  |
| <p>During this reporting period the Council received 446 representations, including 253 compliments.</p> <p>The following report provides an outline and analysis of the nature and type of complaints and compliments received. The report also outlines complaints received by the Local Government and Social Care Ombudsman.</p> <p>Calderdale Council welcomes customer feedback, to help us to identify and address problems for customers, and to improve our services.</p> |
| <b>Possible courses of action</b>  |
| Members are asked to consider and comment on this report.  |
| <b>Contact Officer</b>   |
| Richard Noble, Complaints & Compliments Officer.   |

## Should this report be exempt?

No

## Recommendation

The Strategy and Performance Committee are asked to note the report and make suggestions for improvement where necessary.

## Background

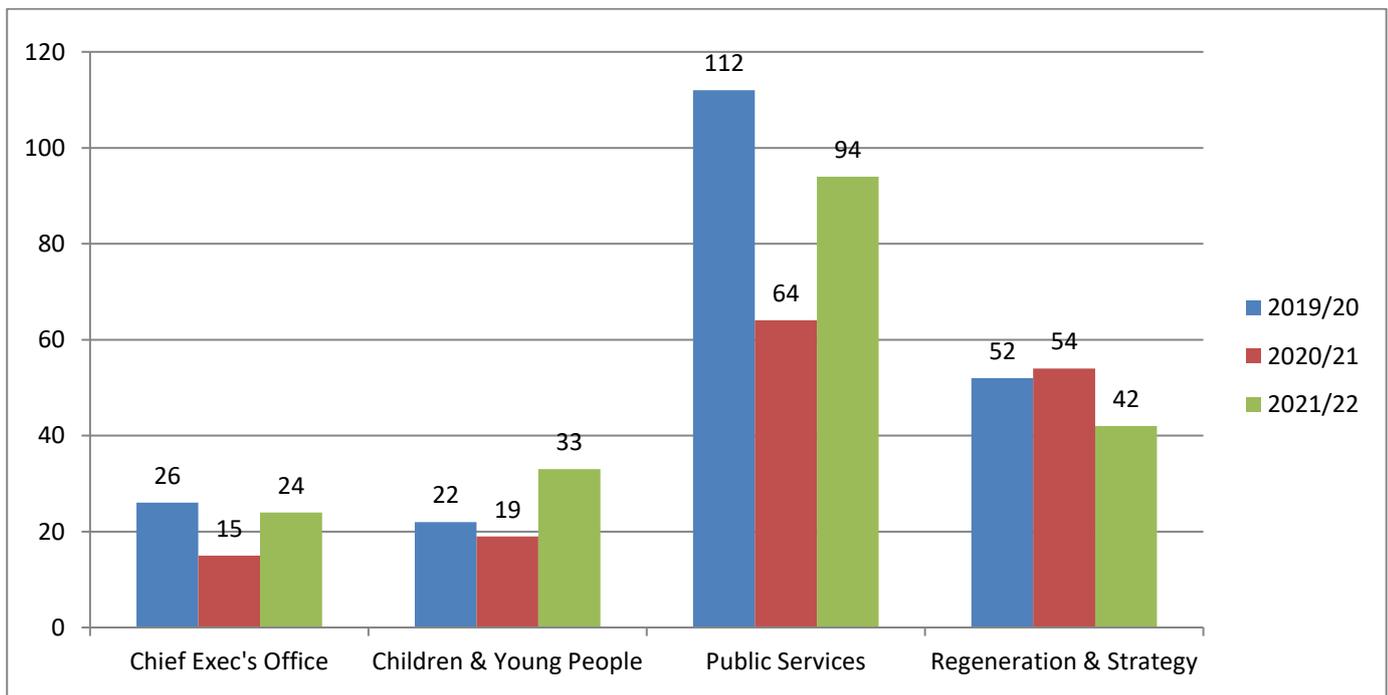
The Council produces statistics and information regarding the number of complaints and compliments received during the year and compares them with previous years.

## Main issues for Scrutiny

### 1. Corporate Complaints

During the period 1 April 2021 – 31 March 2022, the Council received 193 complaints. The graph below highlights the number of complaints per directorate with a year-on-year comparison, inclusive of complaints that were subsequently withdrawn.

1.1



There was a significant reduction in the number of complaints received across the Council during 2020/21, due to some extent, to the pandemic and restricted services being offered by the Council. Services were reintroduced by the Council during the current reporting period and figures started to increase, however, are lower than pre-pandemic figures in most areas.

## 2. Complaints Outcomes

2.1 Of the 193 complaints that were received:

- 71 (36.8%) were upheld or partly upheld
- 82 (42.5 %) were not upheld
- 40 (20.7%) were withdrawn

|                  | Upheld |       |       | Partially upheld |       |       | Not upheld |       |       | Withdrawn |       |       |
|------------------|--------|-------|-------|------------------|-------|-------|------------|-------|-------|-----------|-------|-------|
|                  | 19/20  | 20/21 | 21/22 | 19/20            | 20/21 | 21/22 | 19/20      | 20/21 | 21/22 | 19/20     | 20/21 | 21/22 |
| Chief Exec's     | 5      | 1     | 2     | 5                | 5     | 7     | 11         | 6     | 13    | 5         | 3     | 2     |
| CYPS             | 1      | 3     | 4     | 7                | 5     | 12    | 11         | 8     | 12    | 3         | 3     | 5     |
| Public Services  | 21     | 4     | 14    | 25               | 10    | 17    | 42         | 34    | 34    | 24        | 16    | 29    |
| Regen & Strategy | 5      | 0     | 7     | 8                | 10    | 8     | 29         | 31    | 23    | 9         | 13    | 4     |
| Total            | 32     | 8     | 27    | 45               | 30    | 44    | 93         | 79    | 82    | 41        | 35    | 40    |

2.2 The 153 complaints that were investigated have been categorised as follows:

- 2 Communication
- 1 Discrimination
- 2 Enforcement Action
- 12 Financial
- 54 Policy/Service decision
- 6 Service change
- 23 Service delay
- 38 Service level/quality
- 15 Staff conduct/attitude

The Complaints and Compliments Team use this information to identify which service areas may require additional training or support. The Complaints and Compliments Officer regularly reviews themes and trends identified from the quarterly reports and works closely with services to ensure complaints are concluded in a timely, professional and customer focused manner.

Complaints for service / policy decisions were the highest received this year at 54; this is a slight decrease from 2020/21 when 57 were received.

Extracts of complaints received:

- Decision by staff at Rastrick Cemetery to place hard-core on a grave, which has destroyed the perennials that were planted underneath and makes it impossible to grow new flowers. This complaint was upheld by the Investigating Officer and learnings were put in place to ensure topsoil is available on site and consideration is given to families when staff are working on graves.

- Decision by School Transport to not place a chaperone within the arranged taxi transport arrangements and a lack of understanding from the Transport Team in respect of the user's needs. This complaint was partially upheld, and as a result, Calderdale's Independent Travel Trainer made contact to arrange an appointment and discuss the training requirements for the service user to travel unaccompanied by taxi.
- Decision to install LED lighting on the A646 Burnley Road, in the vicinity of a property are too bright. This complaint was not upheld. The investigating officer identified that the lights were at the correct level, however, trees that had been shielding the light on private land had to be removed under licence and were therefore not blocking the light to the property.

Other areas of concern related to the level / quality of service received (38); this is a year-on-year reduction from 2020/21 from 40 complaints received.

Primary reasons for this category of complaint:

- Repeat missed waste & recycling collections.
- Lack of cleansing i.e. gullies.

### **3. RESPONSE TIMES**

3.1 The Council's complaints procedure acknowledges the need for complaints to be dealt with in a timely manner. The Investigating Officer is asked to respond within 10 working days, including detailed outcomes of their investigation. If a full response within 10 working days is not possible, the investigator is asked to liaise with the complainant and agree an extended timescale. The average overall response time in 2021/22 was 14 working days, compared to 17 during 2020/21. This is attributed to a more robust monitoring of complaints once they have been allocated to the investigators.

3.2 Of the 153 complaints investigated:

- 68 (44.4%) were resolved within 10 working days
- 58 (38%) were resolved within 20 working days
- 27 (17.6%) were resolved over 20 working days

3.3 In order to improve performance and response times, the Complaints Team regularly monitors the time taken to complete investigations and where necessary liaises with services providing performance data and an offer of further training/support.

### **4. COMPLIMENTS**

4.1 The Council values feedback from its customers and whilst its focus is to resolve problems and issues raised as complaints, it is also important to recognise the positive feedback that is received from customers.

4.2 253 compliments were received within this period. The table below highlights the number of compliments per directorate Compared with the previous 2 years.

| Directorate  | Compliments<br>2019/20 | Compliments<br>2020/21 | Compliments<br>2021/22 |
|--|------------------------|------------------------|------------------------|
| Chief Executive's Office                           | 3                      | 6                      | 7                      |
| Children & Young Peoples Service (not Social Care) | 2                      | 12                     | 23                     |
| Public Services                                    | 245                    | 163                    | 179                    |
| Regeneration & Strategy                            | 46                     | 16                     | 44                     |
| <b>Total</b>                                       | <b>296</b>             | <b>197</b>             | <b>253</b>             |

Reminders are regularly sent out to teams prompting them to send compliments and positive feedback to the Complaints and Compliments Team to be captured.

Extracts below indicate the type of compliments received:

- The SEND Service Manager contacted me soon after his appointment, I believe he was contacting all parents who had raised complaints to discuss what had brought them to that action so he could reflect on the current challenges parents were experiencing within the service. I have had numerous conversations with him since and in regards to our recent concern with Calderdale College and his support was fantastic, as a family we feel he listens and values our views, he is also proactive and reflective, he empowered us and ensured we felt considered throughout, he also held the college to account as we would expect around meeting needs, this hasn't happened for a long time sadly, for too long we've experienced a us/them situation with professionals/parents and that's exhausting and challenging. As a parent he offers me hope for the service, I feel a service that is willing to reflect when things have gone wrong, engage and empower parents and have the children/YP needs at the centre is key and I feel he understands that and delivers a service with that as a priority, keeping parents informed and updated not just within the service but on policy's and SEND practice is encouraging.
- I am emailing to thank you for all your support during this extremely difficult time. You have been extremely professional, straight forward and extremely efficient during the entire process.
- When I phoned to raise this problem, X was the first person I had contact with and I have to say the service was amazing, going above and beyond to help rectify the problem, keeping in constant contact with me throughout and following up any issues this has caused. She has since made a couple of calls to ensure I am receiving the service. What a breath of fresh air and credit to yourselves she is.
- I fell over during a keep fit class and managed to land on and then seriously break several bones in my wrist. The class teacher could see the damage and alerted the manager and team immediately. Within minutes the class was emptied, and first aid

was being administered. The manager and the lady from reception took great care of me.

The slickness and professional approach to my care was superb and I would like to thank them for their expertise.

- In less than 24 hours from me reporting a blocked drain, your machine and three men were there and within a few minutes, the job was done. You cannot ask for more than that. Thank you!

## **5. Training and Development**

### **5.1**

The Complaints and Compliments Team provide training and support for all colleagues who are responsible for investigating complaints. The aim is to provide training that specifically relates to their individual area and working practices and identifies how to define a complaint, how to complete a robust investigation and how to respond fairly and proportionately.

It is the aim to now re-evaluate the sessions and produce an e-learning session that will be provided to all who want an understanding of complaints with a more in-depth session for those who will conduct investigations.

In addition to the training, the Complaints and Compliments Officer regularly attends team meetings to support the service to develop an effective complaints procedure and outline the benefits of working with and being supported by the Complaints and Compliments Team.

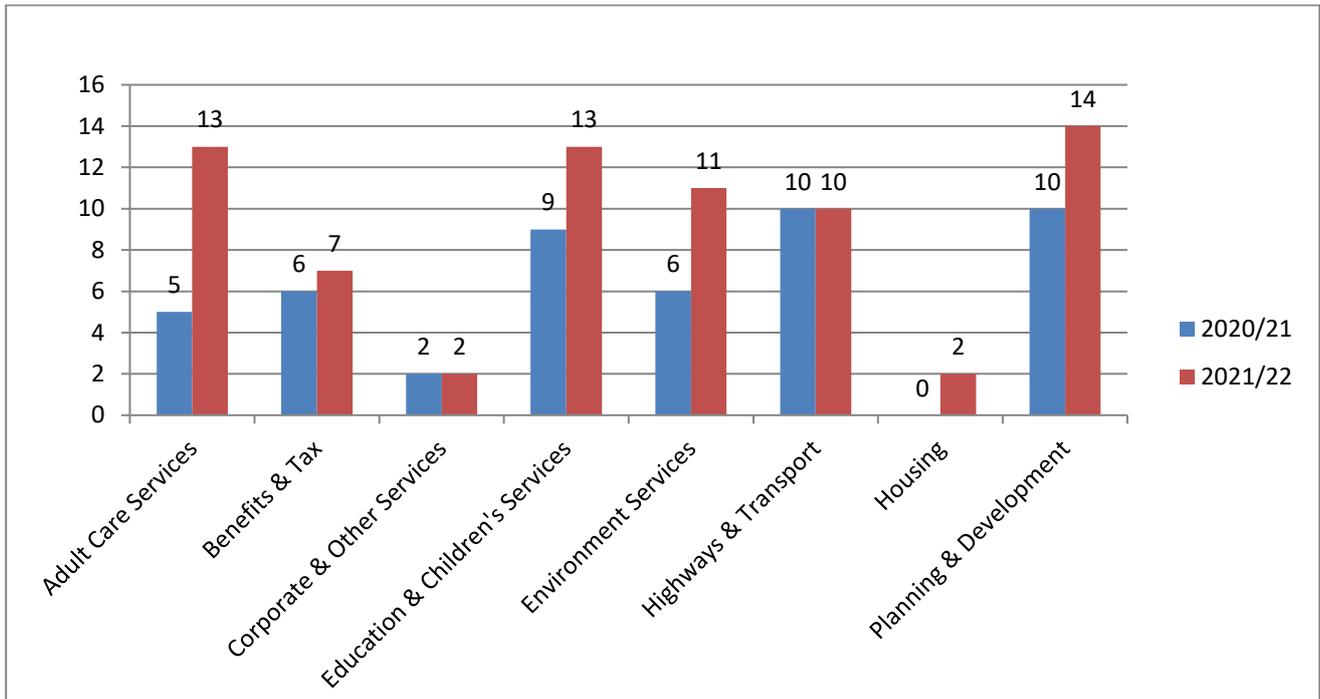
## **6. LGO Update**

The complaints received by the Local Government and Social Care Ombudsman that are featured here have previously been received and investigated by the Council through its own complaint procedures.

The figures have been taken from the annual report produced by the Ombudsman and compares the reporting periods 2020/21 and 2021/22.

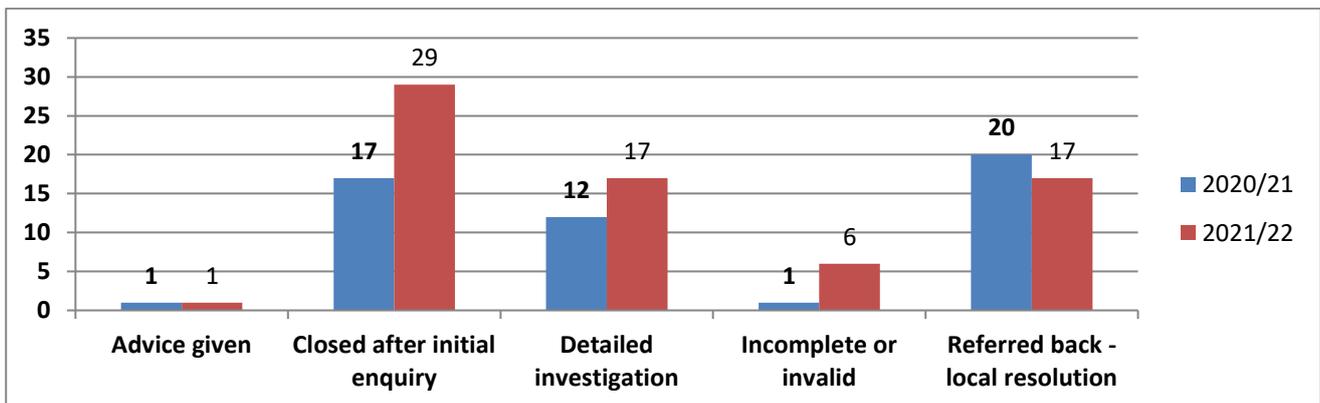
- 6.1 The overall number of complaints and enquiries that were received by the Ombudsman has increased from 48 in 2020/21 to 72 in 2021/22. It is worth noting, that during the previous reporting period, the Ombudsman stopped accepting complaints for a period during the pandemic, to allow councils to prioritise the services they offered.

The graph below, details the number of new complaints received by category.



Due to the complex nature of some of the complaints received, the time it takes to gather evidence from external stakeholders and assessment by the LGO, not all complaints received are closed during the same reporting period and as such a final decision could be made in a different reporting year.

The graph below details the number of decisions made by the Ombudsman, compared to the previous year.

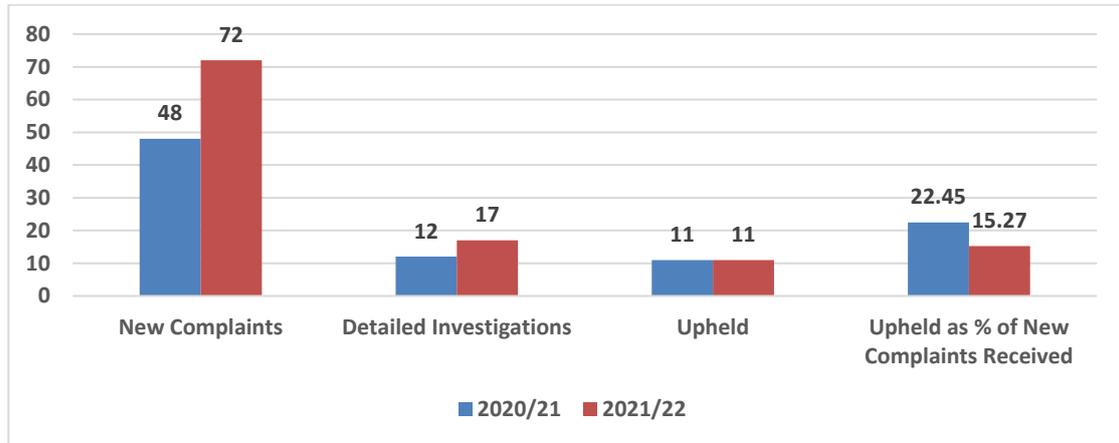


The Ombudsman have a system in place where the complaints they receive are triaged prior to allocation. They establish if there are significant grounds to investigate and if there is a likely case of injustice to the complainant, therefore using public funds wisely in deciding whether to investigate.

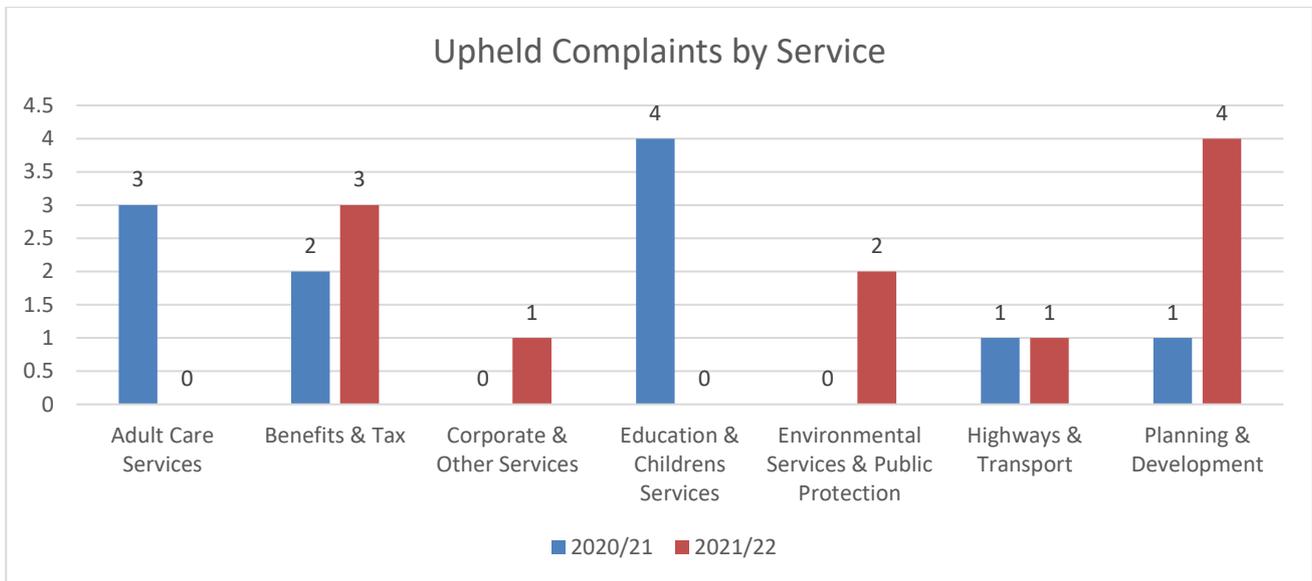
The number of detailed investigations carried out by the Ombudsman in 2021/22 was 17, compared to 12 in 2020/21.

Of these 17 investigations, 11 were upheld (65%). In 2020/21, 11 from 12 were upheld (91.6%) which represents a very significant reduction.

The following graph shows year on year comparison with 2020/21 of the upheld % against the number of new complaints received.



The graph below details upheld complaints per relevant service area.



It should be noted that not all complaints and enquiries are appropriate for the Ombudsman to investigate. Reasons include:

- After initial assessment the Ombudsman may decide against investigation, where their remit sits outside the existing governance/legislation, or it would not be an effective use of public funds.
- In some instances, the complaint is referred to the authority to investigate. This is predominantly due to the complainant failing to complain firstly to the authority to resolve and thus bypassing the authorities' process.
- Ombudsman advice has been provided to the complainant in relation to their complaint to address their issues.

6.2 Out of the 11 upheld complaints, the Ombudsman remedied 10, with the remaining complaint being suitably remedied during the Council's initial complaint investigation. It

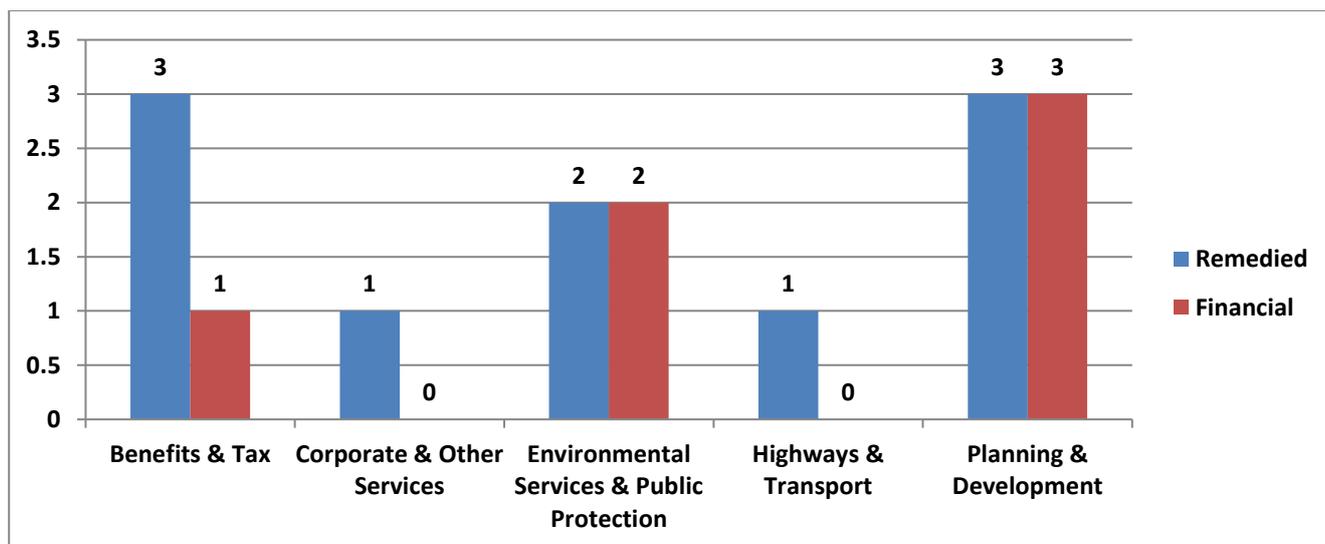
should be noted as previously detailed that the number of remedied complaints may not equal the number of upheld complaints during a reporting period.

Additionally, if the Ombudsman finds fault in the way that the authority has carried out its duties, they will then consider whether this has caused an injustice to the person affected. If this is the case, recommendations will be made regarding actions to address this.

Recommendations are deemed as remedies by the Ombudsman which originate from upheld complaints, but does not necessarily mean that there has been a direct injustice to the complainant. In such instances the Ombudsman looks carefully at the root cause of problems and, where appropriate, recommends improvements to systems or procedures, which have failed or not been effective.

The following graph details the number of remedies required per service area, for the current year, whilst highlighting how many of these included a financial remedy. In 2021/22 the Ombudsman included 6 financial remedies from their 11 upheld investigations (54.5%) which is a reduction on 10 from 11 (91%) for 2020/21.

Of the 6 financial remedies, 5 were awarded for avoidable distress/time and trouble and 1 for quantifiable loss.



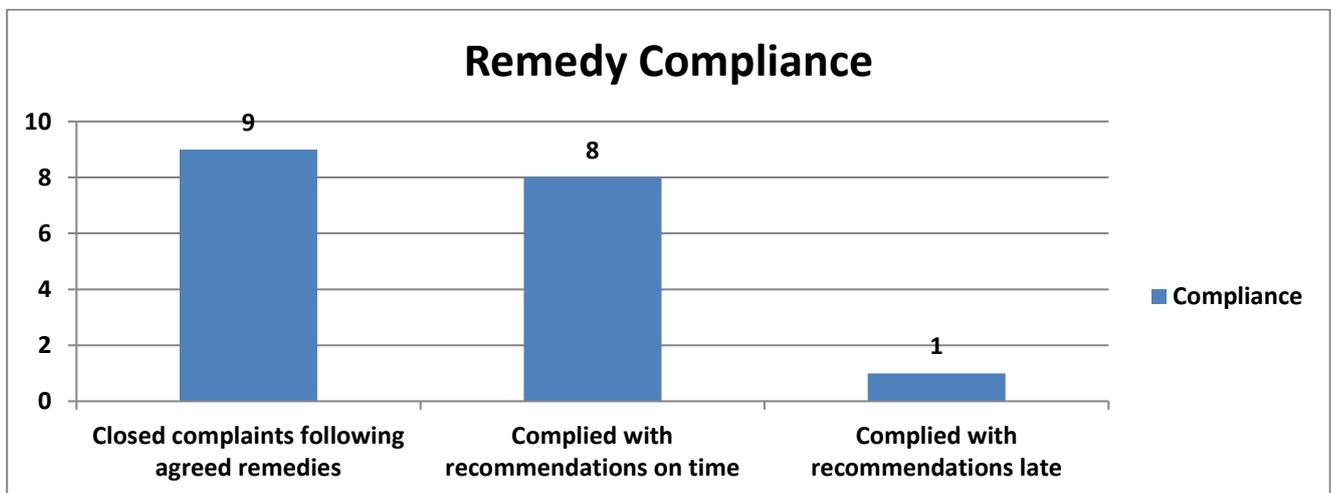
Extracts of final decisions where financial redress were requested:

- *The Council failed to use its legal powers to enforce licence conditions, prevent nuisance or breaches of planning control. The Council said it acted in line with its officer's professional judgement following up complaints and encouraging the person who changed the use of the neighbouring property, to present a planning application. A payment of £150 for time & trouble was agreed.*
- *The Council failed to properly consider a breach of planning permission at a neighbouring property. The Council's approach caused distress and its decision not to enforce was not taken properly. A £200 time & trouble payment was agreed.*

- *There was a delay in the Council investigating complaints of noise nuisance and waste build up on a neighbouring property. Ms X and her husband have suffered unbearable noise and vibrations from the loud music, and that the waste attracts pests. Payments of £100 for time & trouble and £500 for distress and uncertainty were agreed.*
- *The Council's response to Mr X's reports of breaches of planning control which he says allowed a harmful impact on his family's residential amenity and led to him spending unnecessary time and trouble in trying to resolve the matter. A £750 time & trouble payment was agreed.*

6.3 The Ombudsman makes recommendations on what they deem to be a suitable remedy for upheld complaints, and then measures the Council's compliance rate based on the recommendations made, and the agreed timescales for completion. During this reporting period, the Ombudsman closed 9 complaints, with a 100% compliance rate.

The graph below shows that 8 of the complaints were completed on time and 1 was closed outside of the agreed timescales.



Details of the late compliance:

Planning & Development – Remedies were agreed which included, apologising and to make a payment for time and trouble, and to reconsider the alleged breaches of planning and consider if enforcement or informal action is required. The delay in this instance was down to the decision making on what action would be taken following reconsideration and subsequently evidencing with the Ombudsman.

6.4 The following table has been compiled using information from the Ombudsman's interactive map and compares the performance of Calderdale to our neighbouring West Yorkshire authorities. This has seen an improvement on Calderdale's figures and have registered the lowest number of investigations compared to the third lowest during the 20/21.

| <b>Local Authority</b> | <b>Detailed Investigations</b> | <b>Investigations Upheld</b> | <b>Upheld %</b> | <b>Remedy Compliance</b> |
|------------------------|--------------------------------|------------------------------|-----------------|--------------------------|
| Kirklees               | 43                             | 20                           | 47%             | 100%                     |
| Wakefield              | 23                             | 13                           | 57%             | 100%                     |
| Leeds                  | 41                             | 26                           | 63%             | 100%                     |
| Calderdale             | 17                             | 11                           | 65%             | 100%                     |
| Bradford               | 46                             | 30                           | 68%             | 96%                      |

The Complaints and Compliments Team continue to work closely with services and provide further training and guidance particularly centring around finding a resolution throughout the initial complaints process to subsequently reduce the number of complaints that reach the Ombudsman.

In addition, we continue to liaise with our neighbouring authorities and with the Ombudsman, to ensure continuous learning from feedback and insight, to improve our processes and most importantly the customer experience.

**FOR FURTHER INFORMATION ON THIS REPORT CONTACT:**

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