



# Northumberland County Council

## COMMUNITIES AND PLACE OSC

7 DECEMBER 2022

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### **Corporate Feedback Performance 2021/2022**

**Report of** Julie Dennitts, Corporate Complaints Manager

**Cabinet Member:** Councillor Richard Wearmouth, Deputy Leader and Portfolio Holder for Corporate Services

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#### **1. Purpose of the report**

The purpose of the Annual Report is to review the operation of the complaints process over twelve months (01.04.2021 to 31.03.2022), including statistical data, and to provide the local Authority with the means by which it keeps itself informed about how effective its current arrangements are for handling customer complaints.

The same statutory reporting framework does not govern the Corporate Complaint process as Adults and Children's Complaints; however, it is deemed best practice to provide an analysis of Corporate Complaints received from customers. It should be noted that Corporate Complaint Annual reports from here on will be produced in alignment with the framework for Adult and Children's Complaints.

#### **2. Background**

The 2020/2021 Annual Report advised that the Corporate Complaints Manager had reviewed the current complaints reporting mechanisms as part of the broader Complaints Improvement Framework. A comprehensive action plan has been drafted, providing more detail.

One of the main improvements identified was to update the case management system. The existing system needs to be updated and bespoke for complaints management, it is cumbersome to use, and staff engagement is sporadic. This makes data retrieval and analysis challenging and unreliable. A new case management system has since been procured, and work is currently being undertaken to ensure it is implemented efficiently.

This report is based on the current data sets available within the confines of the existing software.

### **3: Summary**

The key findings in this report are:

- 115 complaints were resolved within 24 hours and recorded as informal resolutions.
- 1758 stage 1 complaints were received, and 94 (5.3%) were escalated to stage 2.
- 1317 (75%) stage one complaints were closed in timescale, and 46 (49%) stage two complaints were closed in timescale.
- 15 cases were upheld by the Local Government and Social Care Ombudsman (LGSCO) following detailed investigations

### **4. What we did well:**

- Understand that sometimes the best way to deal with a complaint is to initiate local resolution. As a matter of course, any staff member being presented first-hand with a complaint will attempt to resolve the issue.
- Continuously review processes to ensure these are consistent and current
- Able to resolve complaints at stage one, negating the need to escalate to stage two
- Demonstrated a positive culture to the LGSCO about the benefits of responding to and learning from complaints.
- Identifying individual needs and treating everyone respectfully
- Continuously review processes to ensure these are consistent and current
- Manage complaints in line with policy and legislation

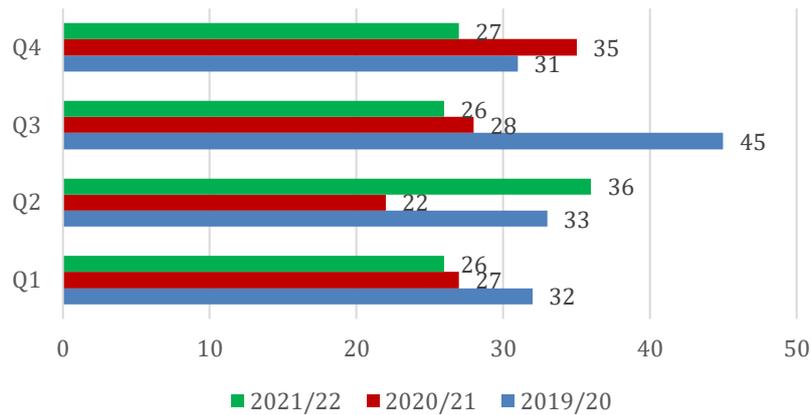
### **5. What do we need to improve?**

- Keep sight of what we do well.
- Share trends and outcome reports more widely across the service area to ensure everyone handling complaints has the opportunity to view and consider these.
- Provide guidance and training sessions on all aspects of complaint management
- retrospective sessions with the service to consider what could have been done better and highlight areas of good practice

### **6. Informal Complaints**

The current process for corporate complaints involves customers submitting their complaint, which is then sent to the appropriate service area. If the service can fully resolve the matter within 24 hours of receipt, it can be closed as an informal resolution.

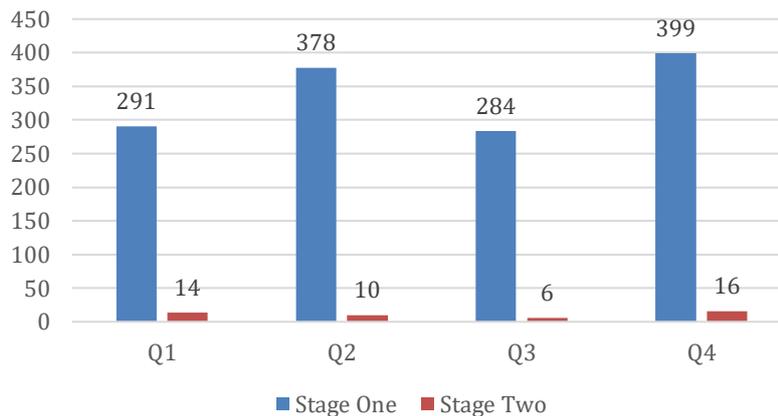
### Number of Informal Resolutions by year



### **7. Complaints Received**

During 2021-2022, the County Council received 1758 Stage one corporate complaints. Of these, 94 (5.3%) stage one complaints were escalated to stage 2.

### Stage One and Stage Two complaints received



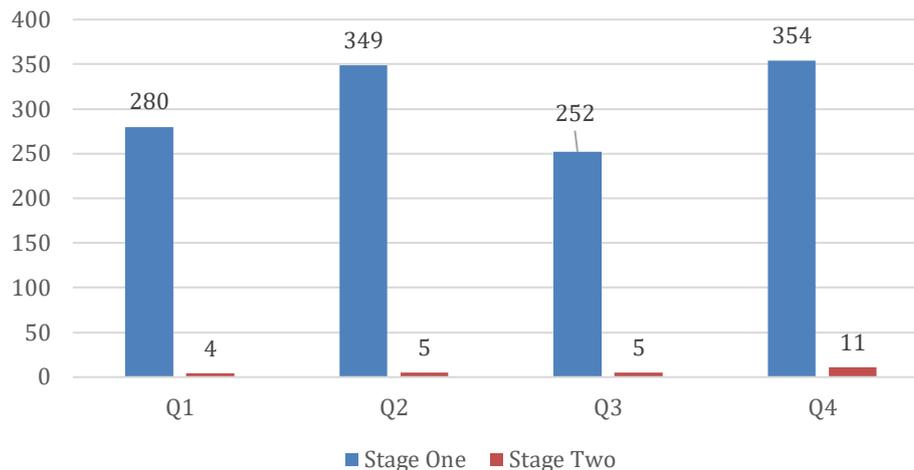
### **8. Closed Complaints**

Closed complaints have been allocated an outcome, and a response has been given to the customer. The number of closed complaints differs from the number of received complaints. This is because some 2021/22 closed complaints were received in 2020/21. Similarly, some 2021/22 complaints will be completed in 2022/23 because their target date falls into the next reporting cycle.

Of the 1758 Stage 1 case received, 1317 (75%) were closed in timescale, and of the 94 Stage 2 cases received, 46 (49%) were closed in timescale.

Services are encouraged to analyse those complaints escalated to stage 2 to see what was done differently to resolve these. The aim is to establish some practical learning that can be provided to those staff that deal with complaints at stage 1 to reduce escalation and resolve complaints earlier for the customer.

## Stage One and Stage Two complaints closed



### **9. Local Government Ombudsman (LGSCO)**

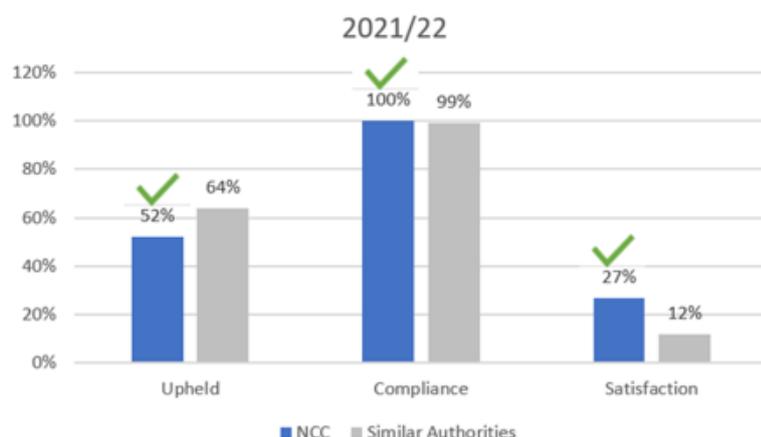
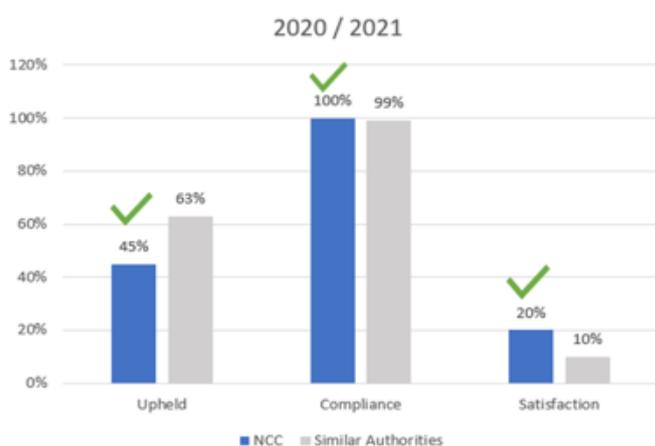
The (LGSCO) is the organisation that handles complaints about public services in England. The Ombudsman service is independent of the government and must act impartially. The LGSCO also shares learning from its work to improve service delivery across the spectrum of public service in England. The office carries out awareness-raising activities with the general public and bodies under their jurisdiction and promotes good complaints handling by public service providers.

The LGSCO does not differentiate between Corporate or Statutory Complaints when providing annual data; therefore, the following includes oversight of all complaint functions within the County Council. The Ombudsman upholds complaints when they find fault in an authority's actions, including where the Authority accepted fault before they investigated.

### **10. LGSCO detailed investigations**

The Ombudsman accepted 29 complaints for detailed investigation. Of the 29 cases, the Ombudsman upheld 15 complaints (52%). The Ombudsman was satisfied that 4 (27%) of these cases offered complete remedies to the complainant (27%).

When the Ombudsman is not fully satisfied with the remedies offered, it will recommend ways for authorities to put things right when faults have caused injustice and then monitor their compliance with their recommendations. Failure to comply is rare, and a compliance rate below 100% is a cause for concern. In **100%** of cases where additional remedies were recommended, they were satisfied that the Council had successfully implemented the proposed recommendations.



The LGSCO compares the three key annual statistics with similar authorities to provide an average performance marker. It is noted that the Council continues to perform well against other similar authorities.

## **11. LGSCO recommendations for upheld complaints**

The final decisions and recommendations made for the 15 upheld cases were as follows:

Service Area	Allegation	Recommendation
Children's and Special educational needs (21 004 239)	Miss X complained the Council failed to regularly review her son, Y's, Education, Health, and Care Plan (EHCP), resulting in a loss of support. The Council failed to ensure Y's EHCP was reviewed when it should have been.	Provide apology  Make payment for time, trouble, and uncertainty, and remedy any similar fault affecting others.
Adults - Charging (21 016 768)	We will not investigate this complaint about the Council's actions regarding Miss X's late father when he was in care. This is because the Council already provided a remedy for the injustice caused to the family, which goes beyond what we would usually recommend.	Satisfied with Councils remedy
Looked after Children (21 004 295)	Mr X complained that the Council failed to conduct a sufficiently independent and robust investigation into his children's statutory complaint. The Council was at fault for failing to investigate Mr X's concerns about some of the care homes he lived in. This caused avoidable Mr X distress.	Apology provided
Licensing (21 006 778)	The Council was at fault when it incorrectly advised Mr X about the type of licence needed for his new business.	Pay £300 to recognise avoidable frustration and raised expectations caused by this fault. Service improvement recommendation.
Refuse and Recycling (21 001 827)	Mrs X complained that the Council failed to have due regard to its Public Sector Equality Duty in dealing with a complaint about rubbish in her yard. The Council was at fault. It failed to consider whether Mrs X required reasonable adjustments when she advised it of her disabilities.	Provide an apology and cancel penalty notice and take no further action. Remind officers of the Public Sector Equality duty and the

		need to keep accurate contact records.
Enforcement (21 001 763)	Mr B complained that the Council lost planning documents for a site near his home. As a result, the Council could not take planning enforcement action when development was carried out on the site. The work meant numerous heavy vehicles were using the road which serves Mr B's property. The road was damaged and has only been partly repaired. There was a fault, but it did not cause injustice to Mr B.	Satisfied with Councils remedy
Planning applications (20 010 205)	Mr X complained that there were faults in the Council's consideration of a reserved matter planning application. He said the approved development would increase flood risk to his home, has reduced its value, and the process caused him and his wife considerable stress. There was fault by the Council, but it did not cause significant injustice to Mr X.	Satisfied with Councils remedy
Education & Children's Services (19 009 373)	Mr C says the Council refused to provide him with information about his daughter, failed to act on safeguarding concerns, produced an unbalanced child and family assessment, failed to see his daughter away from the family home when completing the evaluation and delayed considering his complaint. There is no evidence that the Council refused to provide Mr C with information about his daughter or any fault in how the Council obtained his daughter's views. The Council failed to record its view of one of the safeguarding concerns, included some factually inaccurate information in the child and family assessment and delayed considering his complaint.	An apology, training for officers and payment to Mr C is a satisfactory remedy.
Cemeteries and Crematoria (21 003 085)	We will not investigate this complaint about the management of a burial plot. We are satisfied with the Council's actions to resolve the complaint. Further investigation is unlikely to lead to a different outcome.	Satisfied with Councils remedy
Enforcement (20 005 626)	Mr B complained that the Council failed to take appropriate action regarding non-compliance with planning permission for development near his home. We found no fault by the Council regarding the substantive planning matters associated with this complaint. However, there was a fault in the Council's communications about the matter and in handling his complaint. Those faults led to injustice for Mr B, for which a remedy has already been agreed.	Satisfied with Councils remedy
Adult Care - Direct payments (20 000 293)	Ms X complains about how the Council has dealt with Ms Y's direct payment account and its decision to decline to arrange a further independent audit of her account. The Council is not at fault for declining to offer a further independent audit to Ms Y. The Council is at fault as its communication with Ms Y lacked clarity which caused upset to her. The Council has apologised to Ms X and Ms Y for the confusion and upset caused, which is an appropriate remedy. I have therefore completed my investigation.	Satisfied with Councils remedy

Councillor Conduct and Standards (20 010 945)	Mr B complains about the Council's handling of his complaint against a councillor whom he says breached the Members Code of Conduct. We will not investigate this complaint. While there was a delay in the Council's response to the complaint, it apologised, and we consider this a suitable remedy to this part of the complaint. Further investigation of the process the Council followed is unlikely to lead to a different outcome. Finally, Mr B can ask the courts to consider whether the Council has breached the Equalities Act.	Satisfied with Councils remedy
Planning applications (20 005 324)	Ms X complained that the Council failed to revoke her neighbour's planning permission. The Council accepted its flawed decision, and approval should not have been granted. The Ombudsman found the Council was entitled to decide not to revoke planning permission, but it agreed to provide Ms X with a remedy for the impact of its fault.	Satisfied with Councils remedy
Planning applications (20 008 220)	Mr X complained the Council failed to specify ground levels on a development site adjacent to his property and failed to take prompt action when he first complained. The failure to include ground levels was a fault, but the development does not cause an impact significant enough to warrant the refusal of the application. The Council took too long to tell Mr X that ground levels had not been specified, which was fault.	Satisfied with Councils remedy

Not all cases referred to the LGSCO are accepted for detailed investigation on occasion. Cases may not fall within their remit to investigate or be directed to the Authority for further local resolution.

## **12. Comparative analysis against previous years**

The Council has 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. Therefore, consideration must be given to the ongoing impact and work undertaken to address those challenges. The increase in complaints received in 2021-22 could reflect services returning to usual, new ways of working or increased accessibility to feedback mechanisms.

While the evidence outlined in this report suggests that overall complaint handling performance is reassuring, due to the issues highlighted in the 2019-20 Annual Complaints report concerning the use of the system and inconsistent ways data is captured, it is proving unreliable as performance data.

It should be stressed that the number of complaints taken alone is not necessarily a reliable indicator of performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint). This new indicator will be incorporated into future frameworks and reporting mechanisms when using a new case management system capable of more granular analysis.

Feedback Type	2018/2019	2019/2020	2020/2021	2021/2022	Direction of travel
Informal Complaints	153	141	112	115	
Stage 1 Complaints	970	1328	1366	1758	
Stage 2 Complaints	50	65	83	94	
Stage 1 closed within the timescale.	683 (70%)	902 (81%)	1038 (79%)	1317 (75%)	
Stage 2 closed within the timescale.	28 (56%)	30 (85%)	31 (42%)	79 (84%)	
LGSCO complaints upheld	15 (83%)	9 (35%)	10 (45%)	15 (52%)	

### **13. Service update**

Given the amount of contact the Council received in the past year, these figures suggest that the Council is well placed to effectively deal with customer concerns as they occur and, where possible, can either resolve the matter or provide an adequate explanation.

Similarly to the data provided in the 2020/21 report, it is widely accepted that NCC continues to perform well compared to similar authorities in 2021/22. Authorities in the Northeast hold the lowest amount of total upheld complaints.

NCC was compliant with all Ombudsman recommendations, evident by the 7% increase in offering satisfactory remedies that NCC increasingly recognises the importance of being open and accountable.

This year the Ombudsman has highlighted the continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. The Ombudsman urges organisations to prioritise complaints, particularly regarding capacity and visibility. Adequately resourced complaint functions that are well-connected and valued by service areas, management teams and elected members can provide valuable insight into an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery. NCC continues to deliver a framework developed to improve complaint handling within the Authority, including various ways to utilise complaints as a positive learning tool, increase resources and the procurement of a bespoke case management system.

## **14. Implications**

<b>Policy</b>	By collecting and analysing corporate feedback, services can use the results to determine, shape and influence future policies.
<b>Finance and value for money</b>	There are no financial implications directly associated with this report.
<b>Legal</b>	Where appropriate, advice is sought from the Legal Team on specific matters regarding complaints.
<b>Procurement</b>	Not applicable
<b>Human Resources</b>	Not applicable
<b>Property</b>	Not applicable
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
<b>Risk Assessment</b>	Not applicable
<b>Crime &amp; Disorder</b>	Not applicable
<b>Customer Consideration</b>	As a Council, it is essential that customers can give us their feedback and feel that their views and opinions are fully considered and dealt with appropriately.
<b>Carbon reduction</b>	Not applicable
<b>Wards</b>	All

### **Background papers:**

Local Government and Social Care Ombudsman's Annual Letter 2021/22

### **Report sign-off:**

***Authors must ensure that officers and members have agreed the content of the report:***

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Monitoring Officer/Legal	Suki Binjal
Service Director Finance & Interim S151 Officer	
Relevant Executive Director	Maureen Taylor

Chief Executive	Rick O'Farrell
Portfolio Holder(s)	Cllr Richard Wearmouth

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