



# Northumberland County Council

## Cabinet

7 November 2023

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### **Corporate Feedback Performance 2022/2023**

**Report of** Councillor Richard Wearmouth, Deputy Leader, and Portfolio Holder for Corporate Services

**Executive Director:** Gill O'Neill, Executive Director of Public Health, Inequalities and Stronger Communities

Julie Dennitts, Corporate Complaints Manager

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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 (01.04.2022 to 31.03.2023), including statistical data, and to provide the local authority with how 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 reporting mechanisms as part of the broader Complaints Improvement Framework. 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, and staff engagement could be more consistent. This makes data retrieval and analysis challenging and unreliable. A new case management system has since been procured, and work is being undertaken to start using it from October 2023.

However, 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:

- 111 complaints were resolved within 24 hours and recorded as informal resolutions.
- 1484 stage 1 complaints were received, and 83 (5.5%) were escalated to stage 2.
- 1048 (80%) stage one complaints were closed in timescale, and 40 (63%) stage two complaints were completed in timescale.
- 16 cases were upheld by the Local Government and Social Care Ombudsman (LGSCO) following detailed investigations.

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

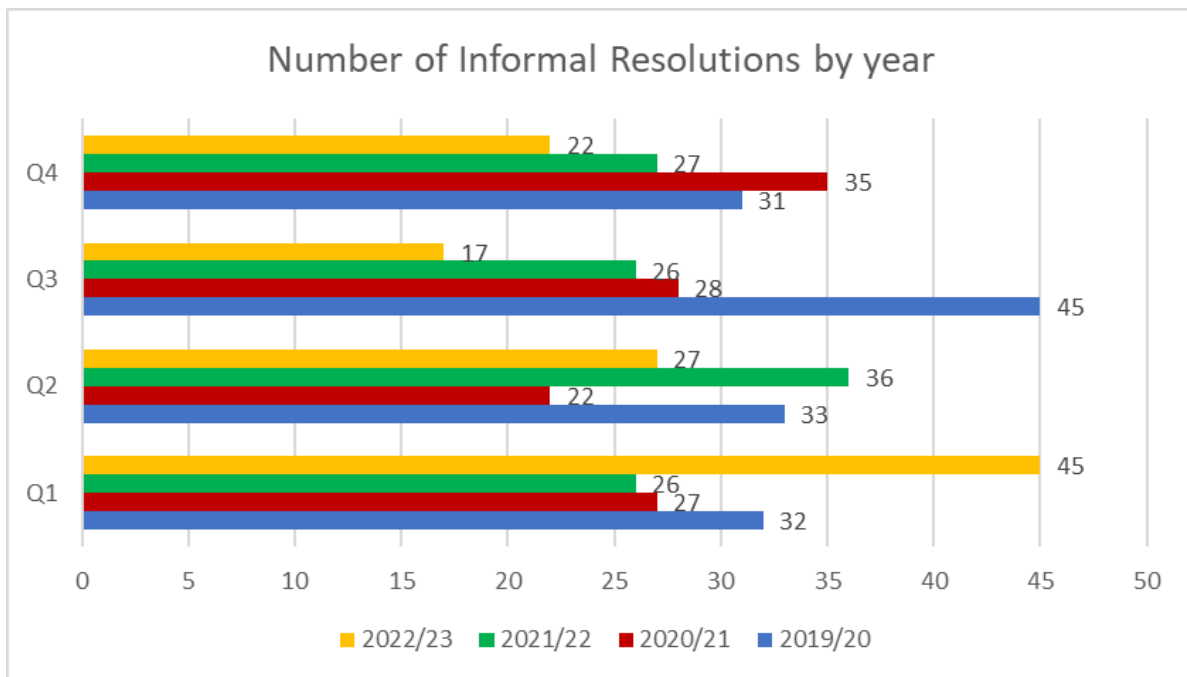
- Understand that sometimes, the best way to deal with a complaint is to initiate local resolution. As a matter of course, any staff member being presented first-hand with a complaint will attempt to resolve the issue.
- Continuously review processes to ensure these are consistent and current.
- Able 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 can 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.

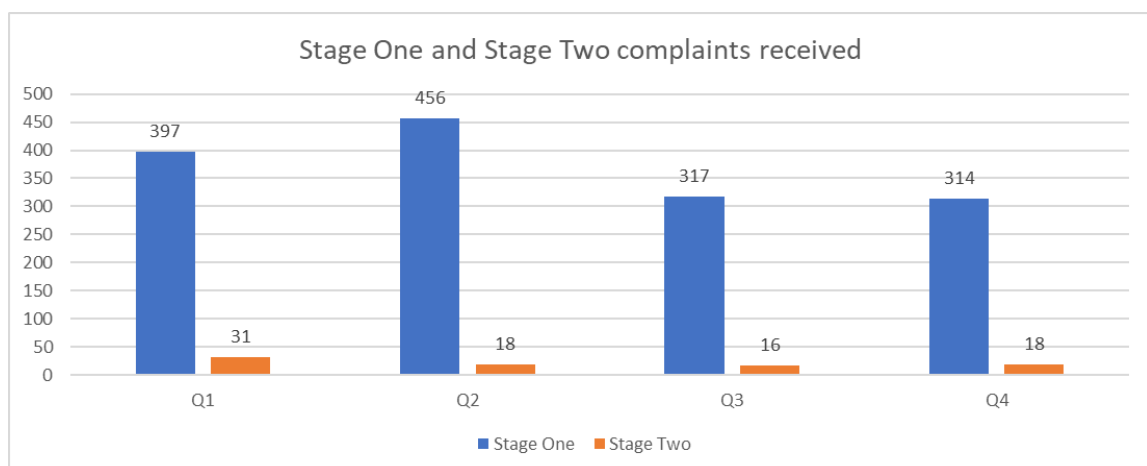
#### **6. Informal Complaints**

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.



### **7. Complaints Received**

During 2022-2023, the County Council received 1484 Stage One corporate complaints. Of these, 83 (5.5%) stage one complaints were escalated to stage 2.

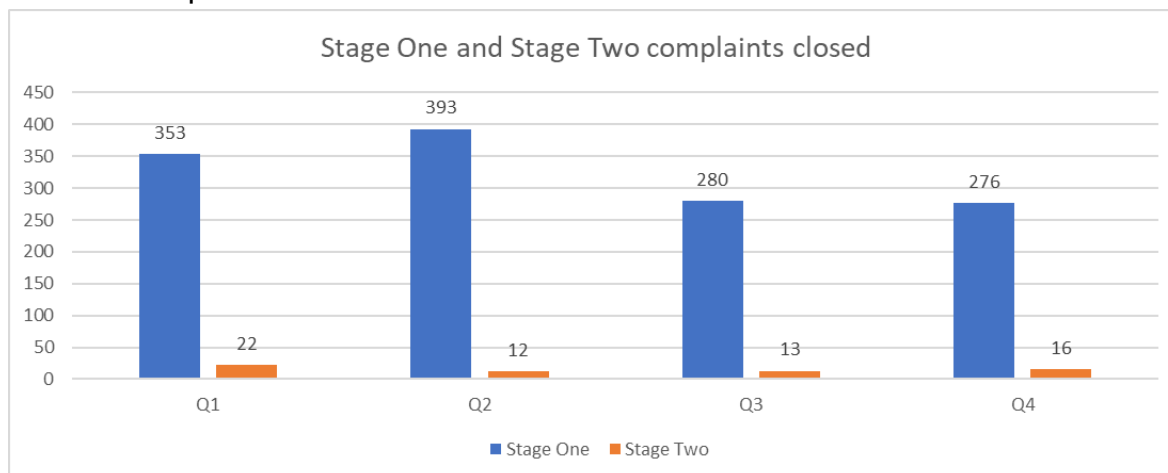


### **8. Closed Complaints**

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 2022/23 closed complaints were received in 2021/22. Similarly, some 2022/23 complaints will be completed in 2023/24 because their target date falls into the next reporting cycle.

Of the 1484 Stage 1 case received, 1048 (80%) were closed in timescale, and of the 83 Stage 2 cases received, 40 (63%) were completed in timescale. This indicator represents the number and percentage of complaints at each stage closed in full within the predetermined timescales of 15 and 20 working days. However, it doesn't recognise those cases where extensions exceeded those timescales agreed in advance.

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 who deal with complaints at stage 1 to reduce escalation and resolve complaints earlier for the customer.



## **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 public and bodies under their authority 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 upholds complaints when they find some form of fault in an authority's actions, including where the authority accepted fault before they investigated. Out of 19 detailed investigations, the Ombudsman upheld 16 complaints (84%). It is important to note that in 2022/23, 34% fewer cases were accepted by the Ombudsman to carry out complete detailed investigations.

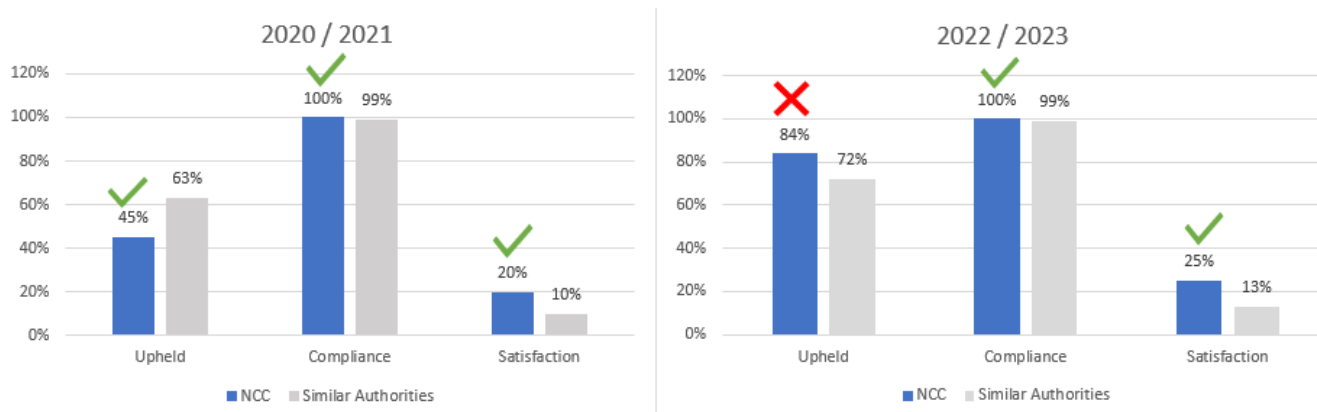
The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with their recommendations. Failure to comply is rare, and a compliance rate below 100% is a cause for concern. Out of 15 cases, the Ombudsman were satisfied that all action was undertaken (100%).

If the Ombudsman determine there has been a satisfactory remedy provided by the authority, this means the authority upheld the complaint, and they agreed with how it offered to put things right. They encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Out of 16 detailed investigations, the Ombudsman were fully satisfied with 4 remedies (25%).

A Public Interest Report - was issued concerning a complaint raised by a resident regarding the Post 16 Transport Policy. In August 2022, the Local Government and Social Care Ombudsman issued a Public Interest Report into what they identified as "flaws" in the Council's Post-16 Transport policy. The LGSCO believed the Council were not clear enough within their policy regarding how they considered progression through course levels and distance from learning establishments when making decisions concerning post-16 transport applications. The decision to issue a Public Report rather than an individual finding, was due to the case being considered a *“significant topical issue and represents systemic problems and wider lessons”*.

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 16 upheld cases were as follows:

<p><b>Adult Care Services Domiciliary Care 16-May-2022 (21 016 410)</b></p> <p>Summary: We upheld a complaint about end-of-life care. The Care Provider will apologise and review its procedures for record-keeping.</p>
<p><b>Adult Care Disabled Facilities Grants 05-Jun-2022 (20 014 396)</b></p> <p>Summary: Mr X and his parents, Mr and Mrs Y complained about the Council's failure to ensure adaptations to their property, funded by a Disabled Facilities Grant, were carried out to an acceptable standard and related matters. We have found the Council to be at fault because it did not properly record variations to the Schedule of Works. The Council has agreed to apologise for the frustration caused to the complainants. We have not identified any other areas of fault. The Ombudsman is unable to interfere with the Council's professional assessment that the overall standard of the adaptation was acceptable.</p>
<p><b>Adult Care Safeguarding 21-Jun-2022 (21 011 766)</b></p> <p>Summary: The Council was at fault for ending its support of Mr X without warning and without considering referring him to an advocate. The Council has agreed to apologise to Mr X, pay him £500 and take action to improve its service.</p>
<p><b>Commercial and Contracts 29-Jun-2022 (21 011 559)</b></p>

Summary: Ms X complained about the Council's handling of her request to use its land for car parking. We found no fault in the Council's substantive decision making. But its poor communication caused Ms X avoidable distress and frustration, which it had suitably put right with its apologies and offer to waive its £250 legal costs. The Council also agreed to formally adopt and publish a policy about use of its land for car parking.

**Planning Applications 24-Jul-2022 (21 014 608)**

Summary: Mr X complains about the Council's granting of planning permission for his neighbour's extension and its failure to take enforcement action due to increases in the height of the extension and patio. We do not find fault in how the Council considered the retrospective planning application for the increased extension height. However, the Council has accepted it failed to consider the increased patio height and the impact this would have on neighbouring amenity when granting planning permission. This fault has caused of loss of amenity for Mr and Mrs X. To remedy this, the Council has agreed to apologise to Mr and Mrs X and make them a payment.

**Disabled Children 02-Aug-2022 (21 009 137)**

Summary: Mrs X complains the Council failed to provide adequate support to her daughter during the transition to new services, which meant she did not receive support. Mrs X also complained about how the Council communicated about the timeframe for the transition. The Ombudsman intends to find fault with the Council for how it managed the transition to the new provider. The Ombudsman does not intend to find fault with the Council for how decided the timeline for the transition. The Ombudsman recommends a financial remedy and service improvements.

**School Transport 17-Aug-2022 (21 004 235)**

Summary: Miss X complained about the Council's decision not to provide her son, Y, with transport to college. Miss X said the Council failed to properly consider Y's circumstances and her appeal, and its communication was poor.

**Child Protection 24-Aug-2022 (21 015 998)**

Summary: Miss X complained about the way the Council handled the child protection process for her child, S, about delays in the statutory children's complaints procedure and about the Council's refusal to accept one element of the stage 3 panel's findings. The Council was at fault for not actively engaging with Miss X's domestic abuse support worker and for delays in the complaints process. It should apologise and pay Miss X a further £150, making a total payment of £250, to remedy the frustration and distress caused.

**Planning Applications 25-Aug-2022 (22 000 583)**

Summary: Ms B complained that the Council failed to properly consider an application for planning permission for a development next to her property. We find the Council was at fault in that there were inaccuracies and omissions in the case officer's report. However, we do not consider this affected the decision on the planning application. The Council has provided a satisfactory remedy for the injustice caused to Ms B.

**Childrens Care Services 31-Oct-2022 (22 009 991)**

Summary: We have upheld this complaint that the Council failed to adhere to the timescale set out in the statutory procedure for children's services. The Council has agreed to resolve the matter by providing a suitable remedy.

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**Assessment and care plan 20-Dec-2022 (22 002 090)**

Summary: We found fault in the way a Council, Mental Health Trust and GP Practice supported a vulnerable man in the community for over two years. Each of the organisations has accepted its failings and the impact of them and has taken steps to prevent recurrences, so we have not recommended any further action. We also found a Hospital Trust failed to properly assess the man's mental capacity while he was an inpatient. This has left the man's family with uncertainty which is an injustice to them. The Hospital Trust has agreed to provide an apology and to offer a small financial payment to address this.

**Local Welfare Payments 06-Jan-2023 (22 006 688)**

Summary: Mrs F complained the Council failed to publish the discretionary energy rebate scheme in a timely manner. She also said it provided her with misleading information and its complaints handling and communication was poor. We find the Council was at fault for its communication with Mrs F and its complaints handling. The Council has agreed to our recommendations to address the injustice caused by fault.

**Planning Applications 12-Jan-2023 (22 001 758)**

Summary: Mrs X complains her home is overlooked because the Council failed to properly consider a planning application. There was fault by the Council, but this did not cause injustice to Mrs X.

**Enforcement 13-Jan-2023 (21 013 353)**

Summary: Mr X complains about the Council's handling of a planning enforcement investigation about a gazebo built by his neighbour. We find the Council at fault for failing to consider the correct distance between the structure and Mr X's boundary. But we do not find this caused Mr X a significant injustice as the incorrect measurements were unlikely to change the Council's decision not to take formal enforcement action. The Council has accepted it failed to fully respond to Mr X's emails and provide timely responses. We find the Council has suitably remedied the uncertainty and frustration this caused Mr X as it has apologised to him and carried out a related service improvement.

**Childrens Care Services 17-Jan-2023 (22 012 112)**

Summary: We will not investigate this complaint that the Council has delayed consideration of a complaint under the statutory procedure for complaints about children's services. This is because the Council has upheld the complaint and offered a suitable remedy for the injustice caused by the delay.

Not all cases referred to the LGSCO are accepted for detailed investigation. On occasions cases may fall outside their investigative remit or be directed to the authority for further local resolution.

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

The Ombudsman has advised that nationally their average uphold rates for all investigations has increased this year, and the organisations may find the uphold rate is higher than in previous years. Comparing previous years should carry a note of caution. Although the percentage of overall complaints upheld has increased for the authority, it is essential to note that there has been an overall reduction of 34% of complaints (10) accepted by the Ombudsman compared to 2021/22. The Annual Report does not consider this but should be considered when understanding our performance.

The authority was compliant with 100% of the recommendations in 25% of the upheld cases, they found that the authority had provided satisfactory remedy before the case reached the Ombudsman.

The authority continues to perform well compared to similar organisations, although it is disappointing to note that over a quarter of cases did not complete remedies within the agreed timescale. All services must agree with the Ombudsman's findings or provide a good reason that they do not agree. Although this is rare, and our compliance rate is 100%. However, recommendations can sometimes become entrenched in more comprehensive projects or benefit from having a more specific line of responsibility.







The authority continues to deliver a framework developed to improve complaint handling within the authority; this includes a new case management system due to go live by November 2023. A welcomed function within the system will allow for detailed action plans to be completed, owners assigned to tasks and through a configurable task system and improved reporting, progress can be monitored to ensure compliance.

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	2022/2023	Direction of travel
Informal Complaints	153	141	112	115	111	
Stage 1 Complaints	970	1328	1366	1758	1484	
Stage 2 Complaints	50	65	83	94	83	
Stage 1 closed within the timescale.	683 (70%)	902 (81%)	1038 (79%)	1317 (75%)	1048 (80%)	
Stage 2 closed within the timescale.	28 (56%)	30 (85%)	31 (42%)	79 (84%)	40 (63%)	
LGSCO complaints upheld	15 (83%)	9 (35%)	10 (45%)	15 (52%)	16 (84%)	

### **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 deal with customer concerns as they occur effectively and, where possible, can either resolve the matter or provide an adequate explanation.

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

The authority was compliant with all Ombudsman recommendations, evident by the 5% increase in offering satisfactory remedies that the authority 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. The authority 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 procure a bespoke case management system.

## **7: 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, customers must give us 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:***

	Name
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Monitoring Officer/Legal	Neil Masson
Service Director Finance & Interim S151 Officer	Jan Willis
Relevant Executive Director	Gill O'Neill
Chief Executive	Helen Paterson
Portfolio Holder(s)	Cllr Richard Wearmouth

**Author and Contact Details**

Julie Dennitts, Corporate Complaints Manager  
07870 365966