

## **Annual complaints report 2021-2022**

### **Report of the Deputy Chief Executive and Corporate Director - Corporate and Support Services**

## **1 PURPOSE AND SCOPE**

**1.1** The purpose of this report is to provide an overview of complaints received by the Council and the lessons learnt from complaints during 2021-22. The scope of complaints included in this report covers:

- Corporate complaints
- Adult's social care complaints
- Children's social care complaints
- School's complaints

## **2 COMPLAINTS PROCEDURES AND DIRECTORATES**

**2.1** Complaints across the organisation follow a number of different complaint processes and stages. Each have associated policy and statutes. There is also potential for complainants to contact the Local Government and Social Care Ombudsman (LGSCO) as a final step in the complaint journey.

<b>Complaints Process</b>	<b>Accompanying Legislation</b>	<b>Directorate</b>	<b>Statutory / Non-statutory</b>	<b>Number of stages</b>
Corporate Complaints	Corporate Complaints Policy & Procedure	Corporate Support Services; Services to Place, Services to People	Non-statutory	Two
Adults Complaints	The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009	Adult's services	Statutory	One
Children's Social Care Complaints	The Children Act 1989 Representations Procedure (England) Regulations 2006	Children's services	Statutory	Three
School Complaints	DfE statutory guidance	Maintained, Voluntary Controlled, Voluntary Aided and Academy schools	Statutory for schools	Three

### 3 ONE TEAM APPROACH TO COMPLAINTS

- 3.1** In 2021-22, the council created one complaints team to oversee statutory Adult Social Care, statutory Children's Social Care, Corporate complaints and Schools complaints.
- 3.2** This report details annual volumes of complaints handled by level and by service. The council is keen to learn from complaints. For each complaint process a selection of lessons learnt are also further on this report. The focus remains on de-escalation, getting to the root cause of the issues raised by customers and embedding learning from complaints.

### 4 HEADLINES FOR THE COMPLAINTS SERVICE

- 4.1** During 2021-22 the complaints team has had two core areas of focus – establishing and upskilling the team and improving complaints handling across the council. In terms of the latter, the team have developed a number of tools to support complaints handling such as a new e-learning module, a good practice guide for complaints handling and a complaints dashboard for managers.
- 4.2** As restrictions associated with Covid eased, the council saw an increase in complaints received. Whilst numbers of complaints received are now back to more typical figures, this has resulted in an overall increase in complaints for 21-22.
- 4.3** A total of 507 formal complaints were handled in 2021-22, compared with 277 complaints during 2020-21 and 421 during 2019-20.
- 4.4** This pattern is mirrored across many other councils across the country. The legacy of the covid pandemic in relation to service demand and capacity has impacted on complaint response times for many stage 1 and stage 2 complaints.

### 5 HEADLINE FIGURES

#### 5.1 Overall complaints

	2019-20	2020-21	2021-22
Corporate Complaints (Stage 1 and 2)	178	132	257
Adult's Social Care Complaints	167	85	148
Children's Social Care Complaints (Stage 1 and 2)	41	35	57
Statutory Schools' complaints <sup>1</sup>	35	25	45 <sup>2</sup>
TOTAL	421	277	507

#### 5.2 Corporate Complaints

	2019-20	2020-21	2021-22
Stage 1 complaints investigated	121	90	143
Escalated from stage 1 to stage 2	84	75	114

#### 5.3 Adult Social Care Complaints

	2019-20	2020-21	2021-22
Complaints	167	85	148

## 5.4 Children's Social Care Complaints

	2019-20	2020-21	2021-22
Resolved at stage 1	41	35	56
Escalated from stage 1 to stage 2	-	1	1
Escalated from stage 2 to stage 3	-	-	1
Escalated from stage 3 to LGSCO	-	-	-

## 5.5 Statutory Schools' complaints

Number	2019-20	2020-21	2021-22
Statutory Schools Complaints	35	25	35
Escalated to stage 2	6	2	10
Escalated to stage 3	-	1	4
Escalated from stage 3 to DfE	-	-	-

- 5.6** Some complaints escalate to the Local Government and Social Care Ombudsman<sup>3</sup>(LGSCO) and this is highlighted further on in the report.
- 5.7** When considered in the context of the number of services and support the Council provides to over 291,000 residents of Stockport, overall formal complaint numbers represent a very small proportion of customer interactions.
- 5.8** Fewer complaints than normal were received in 2020-21. This is more than likely to be a direct result of the pandemic and associated restrictions during that year. 2019-2020, provides a more like for like comparison with the total number of complaints handled
- 5.9** Overall, the volume of complaints increased, and this was not in isolation at Stockport Council, this was also reported across many other local authorities in the Northwest; the Ombudsman also reported a backlog of complaints.
- 5.10** The reasons for this increase could be attributed to the following: -

Complainants unwilling to accept Council decisions and opting to exhaust all stages of the complaints process. Complainants were more vocal in challenging decisions, including restrictions placed by the Council following Government covid guidelines e.g. visitors to care homes. Increase with residents reporting defects in the public realm, e.g. highways, questioning the standard and frequency of refuse and recycling collections and maintenance of parks and greenspaces in general.

<sup>1</sup> Please note that school complaints are based on the academic year (1st September 31st August)

<sup>2</sup> Figure is correct as of 6th May 2022

<sup>3</sup> Provisional figure - the annual ombudsman report will be available in July 2022

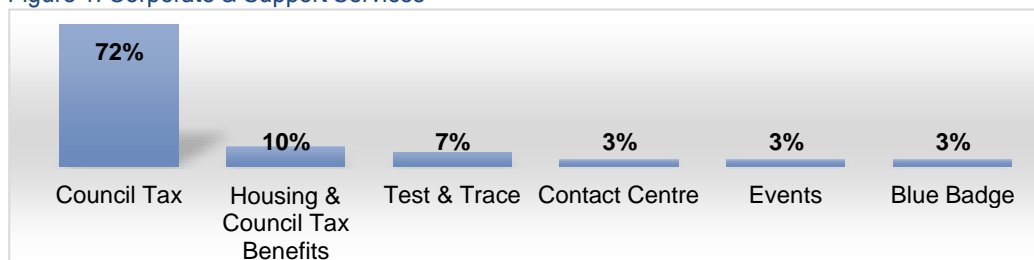
## 6 OVERVIEW OF CORPORATE COMPLAINTS

6.1 The scope of corporate complaints includes non-statutory Adult Services, non-statutory Children's Services, Services to Place and Corporate & Support Services. For all stage 1 complaints, these are investigated by the services and the Complaints team has oversight of this process. The following looks at the performance and range of stage 1 corporate complaints received by each service.

### 6.2 Corporate and Support Services

6.2.1 Complaints ranged across the following areas during 2021-22.

Figure 1: Corporate & Support Services

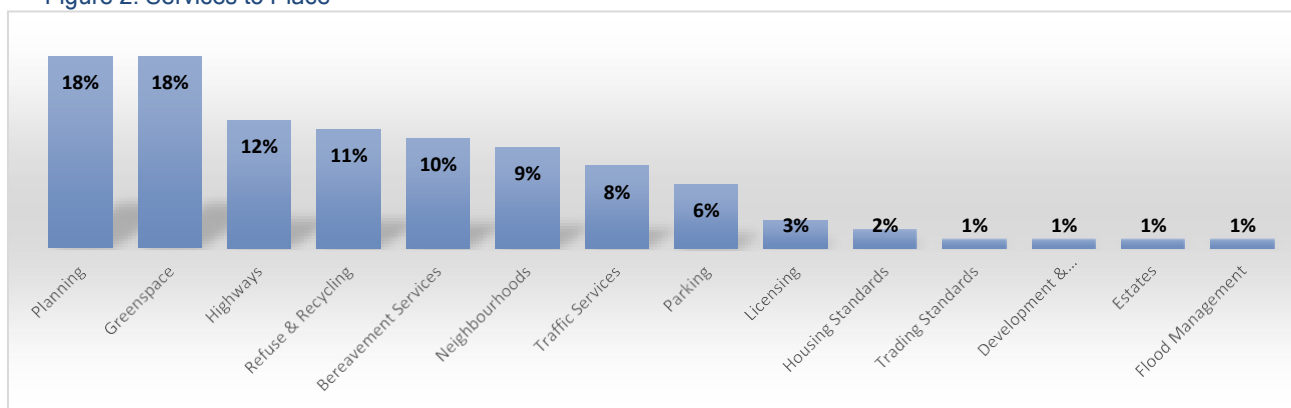


6.2.2 Most issues raised were for Council Tax and many of these related to delays with processing and billing disputes.

### 6.3 Services to Place

6.3.1 Complaints ranged across the following areas during 2021-22.

Figure 2: Services to Place



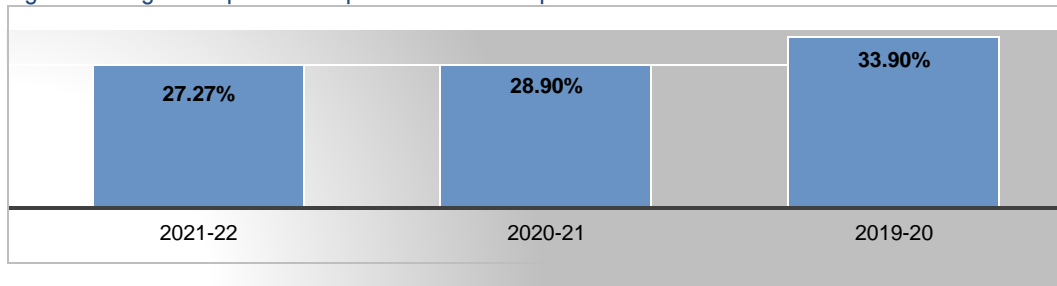
6.3.2 When comparing to the previous year, there was an increase in complaints about Planning and many of these related to delays in determination of applications as a consequence of an increase in numbers of application being considered by the service.

6.3.3 There was also an increase in complaints about Greenspace with many issues relating to lack of footpath and park maintenance, anti-social behaviour and perception of trees not being pruned.

### 6.4 Corporate Complaints - upheld at Stage 1

6.4.1 Upheld complaints at stage 1 indicate the investigating officer agreed with the points raised by the complainant. The figures below are for both partially and fully upheld complaints.

Figure 3: Stage 1 corporate complaints that were upheld



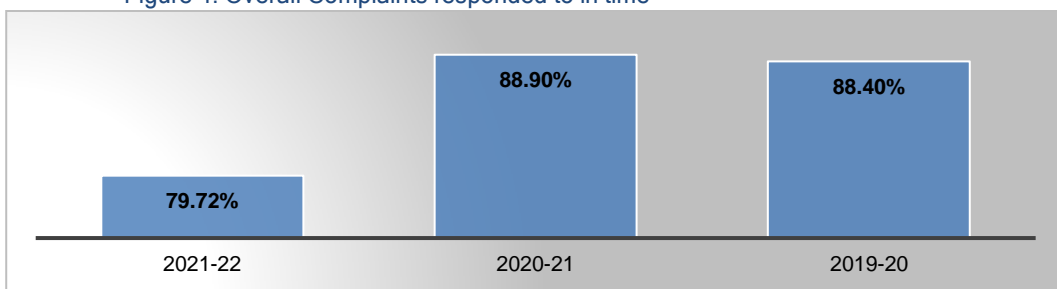
6.4.2 During 2021-22 there was a reduction with upheld complaints when compared to the previous two years. Whilst there was no evidence of systematic failure or trends identified in terms of the complaints upheld, the majority fell within the broad categories of delays, council error / inaction, quality of service, staff conduct and breach of policy/procedure.

6.4.3 Work will continue to improve this part of the complaints process and includes training and support for managers about handling complaints.

## 6.5 Corporate Complaints – Stage 1, Response Times

6.5.1 As part of the Corporate Complaints Policy and Procedure, all complaints must be responded to within 20 working days.

Figure 4: Overall Complaints responded to in time



6.5.2 During 2021-22, there was a reduction in response times that reflected a combination of high service demand and staffing pressures in some service areas. This has affected complaint response times.

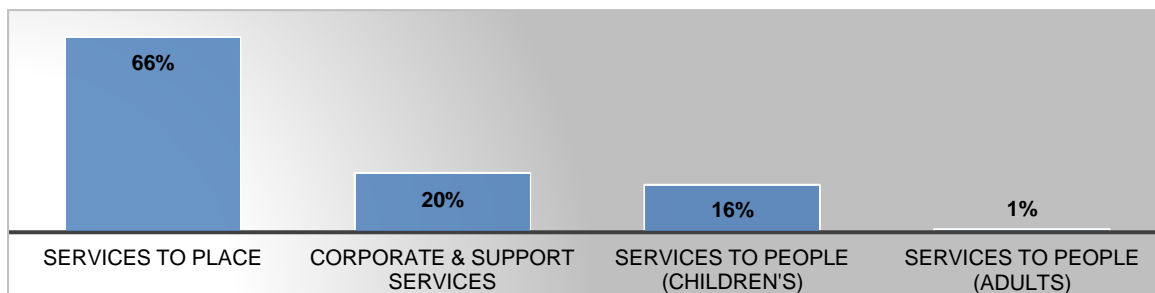
## 6.6 Corporate Complaints – Stage 2

6.6.1 This escalation process is driven by the Corporate Complaints Policy and Procedure which can be found on the council's website at [www.stockport.gov.uk/make-a-formal-complaint](http://www.stockport.gov.uk/make-a-formal-complaint).

6.6.2 Some stage 2 complaints are more complex to resolve and may take longer to conclude. Where this is the case, complainants are kept updated with progress, and the council seeks to mutually agree a reasonable timeframe for concluding the complaint.

6.6.3 During 2021-22, 114 complaints were escalated to stage 2, this was an increase in numbers when compared to the previous two years, however the escalation rate from stage 1 to stage 2 has remained relatively steady - 58% when compared with the previous year 57%.

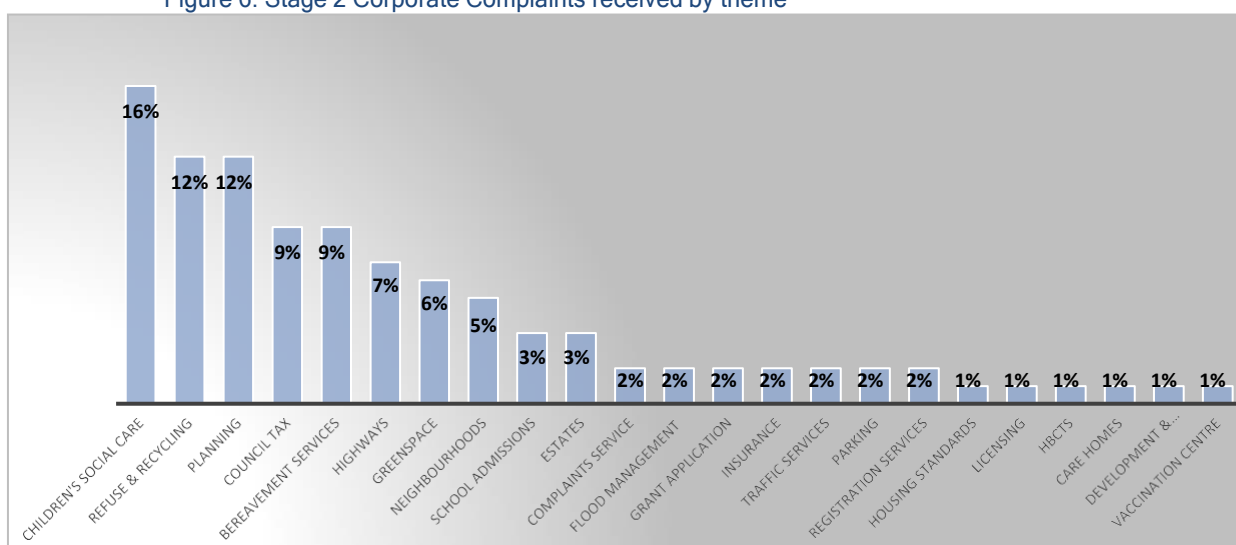
Figure 5: Stage 2 complaints received by each Service



6.6.4 Two thirds of stage two complaints related to Services to Place. Complaints relating to Services to People (Adults and Children's) were relatively modest because most of the issues are handled under the respective statutory complaint's procedures.

6.6.5 To provide context for the subject area of complaints that reached a stage 2 complaint, see the chart below.

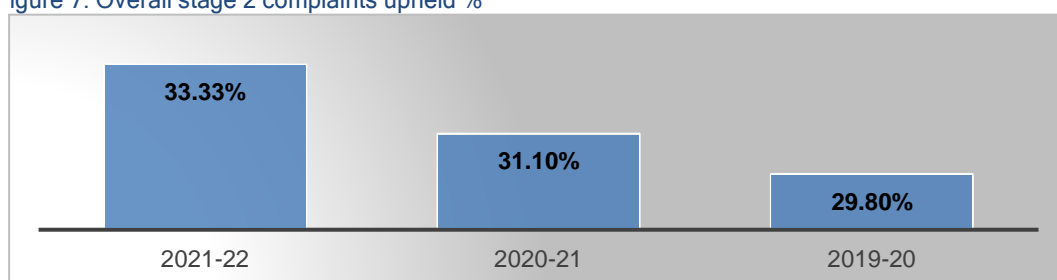
Figure 6: Stage 2 Corporate Complaints received by theme



## 6.7 Stage 2 Complaints upheld

6.7.1 Complaints that were upheld at stage 2 tended to relate to issues regarding delays, perceived lack of communication and general overall quality of service received.

Figure 7: Overall stage 2 complaints upheld %

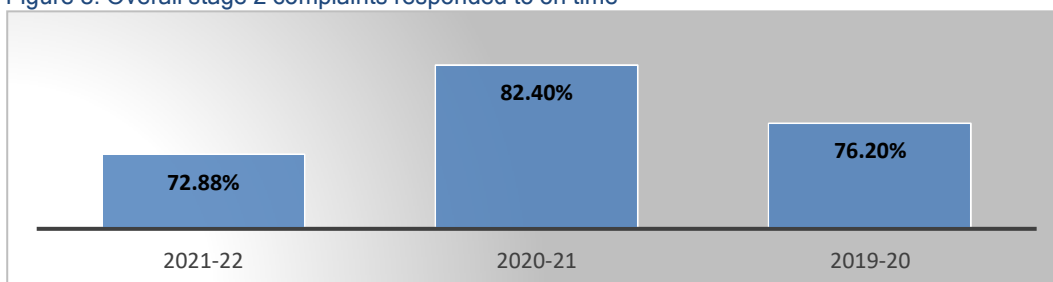


6.7.2 Whilst an annual outturn of 33.3% was reported for upheld complaints, only 8 out of the 38 complaints (21%) were fully upheld at stage 2; and the remaining investigations were partially upheld, indicating that the substantive issues raised were not upheld by the complaints team.

6.7.3 To address the root causes of upheld stage 2 complaints, the complaints team work with relevant services to recommend improvements in service delivery where needed.

## 6.8 Response times for complaints at stage 2

Figure 8: Overall stage 2 complaints responded to on time

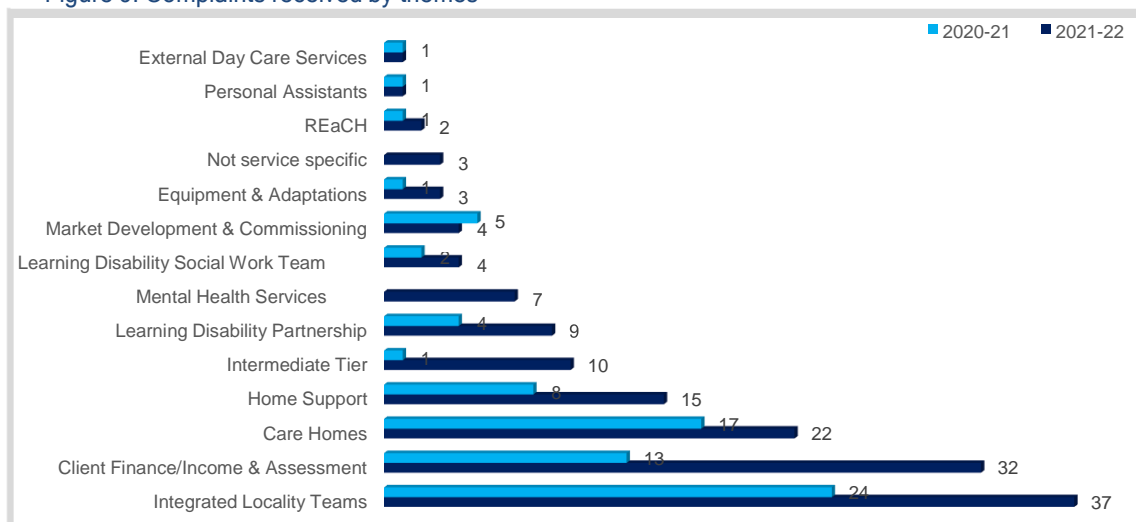


6.8.1 The reduction in response times can be linked to the bedding in of a new team alongside the increase in complaints received. Furthermore, on some occasions, staffing pressures across the council affected the time in which information was received from the relevant services.

## 7 ADULT SOCIAL CARE (ASC) COMPLAINTS

7.1 ASC complaints are investigated by the service in partnership with the Complaints Team who acknowledge, signpost, monitor and record the end-to-end complaints process.

Figure 9: Complaints received by themes



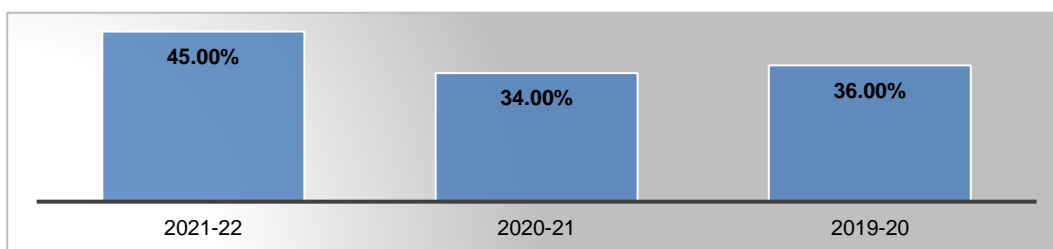
7.2 There was an increase in complaints received during 2021-22 (148) compared with 2020-21 (85), however the figure is lower when compared to pre pandemic numbers, 2019-20 (167). There were more complaints received about council service delivery rather than the actions of commissioned providers.

7.3 Following a review of direct payments there was an increase in complaints about Social Care charging where direct payments were increasingly monitored which resulted in changes to the support provided; thus leaving some residents unhappy about the decision.

7.4 Some complaints related to hospitals not informing the council about the decision to discharge and resulted in delays with communications to the council about the people who needed council funded services.

7.5 ASC complaints upheld %

Figure 10: ASC Complaints upheld



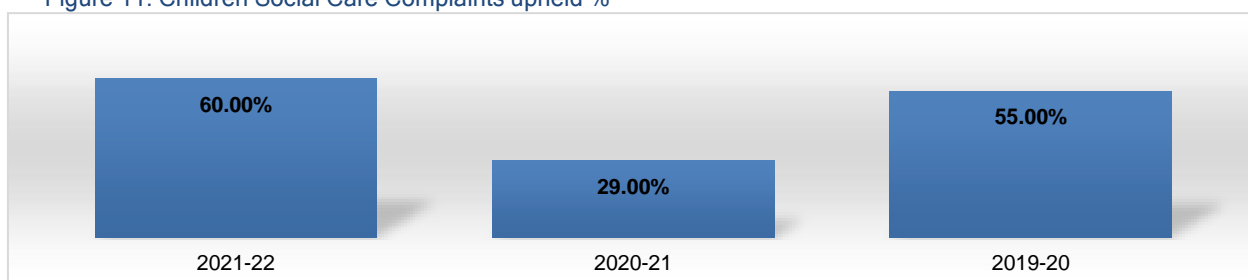
## 8 CHILDREN'S SOCIAL CARE COMPLAINTS

- 8.1** Children's Social Care Complaints are made by or on behalf of children who use services provided or commissioned by the council. Complaints are investigated by the service in partnership with the Complaints Team who acknowledge, signpost, monitor and record the end-to-end complaints process.
- 8.2** Complaints include: social work services, residential care, fostering, adoption and the provision of support to families, children with disabilities and young people in trouble with the law.

	2021-22	2020-21	2019-20
Formal complaints	57	36	43
Compliments	14	10	16
Member/MP enquiry	37	29	24
Concern	17	25	21
Representations <sup>4</sup>	31	29	54
Enquiry	14	9	6
Total	170	138	164

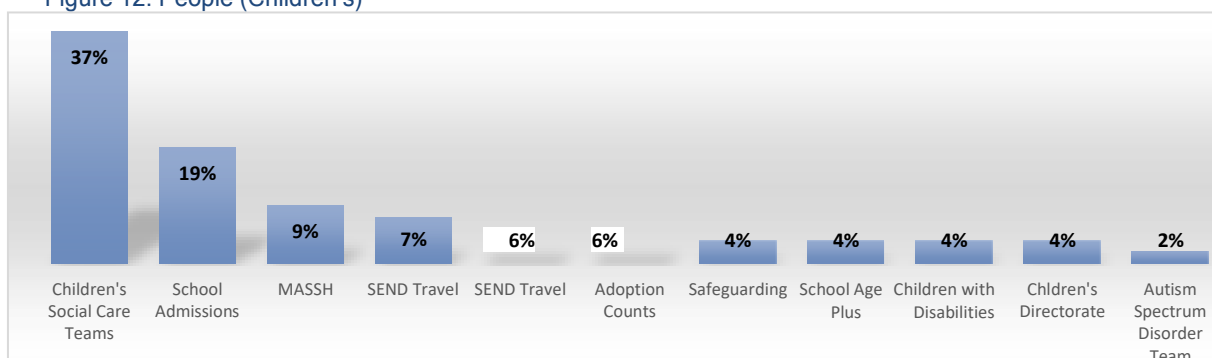
- 8.3** The total number of complaints received in 2021-22 were similar to 2019-20 and many related to aspects of social work practice such as delays, communication issues and where the quality of service was called into question. Many of these were addressed and resolved with the complainant at Stage 1.

Figure 11: Children Social Care Complaints upheld %



- 8.4** Children's services complaints ranged across the following areas of during 2021-22.

Figure 12: People (Children's)



- 8.5** During 2021-22 there was an increase in complaints about Children's Social



## **9 STATUTORY SCHOOLS COMPLAINTS**

- 9.1** Many maintained, voluntary controlled, voluntary aided and academy schools have a service level agreement with the complaints service to assist with complaints. This covers the functioning of the school and the conduct of head teachers. Schools' complaints are recorded within an academic year and the figures that follow are for the date range 1<sup>st</sup> September through to 6th May 2022.
- 9.2** The reasons for school complaints can be varied and include: bullying, dissatisfaction with school policy, lack of support and staff conduct. The complexity of the complaints appears to be increasing with other agencies such as SEND and Safeguarding becoming involved.
- 9.3** During this time frame, there were 102 representations expressed a dissatisfaction about a school of which 46 reached a stage 1 formal complaint. This was an increase from 76 the previous year of which 31 were formal school complaints.
- 9.4** There was an increase with safeguarding related complaints. There has been 12 to date and 1 during the previous year. Whilst there was no particular theme or trend for this increase, parents do appear to be increasingly likely to raise formal complaints and are challenging school decisions.
- 9.5** Furthermore, there was an increase in Ofsted notifications for 2021-22. There has been an increase to 16 when compared to the previous year when the figure was 1 (this is most likely due to covid restrictions) and there was 15 during 2018-19. These figures suggest that parents are increasingly involving Ofsted, safeguarding and the police in matters.

## **10 LEARNING FROM COMPLAINTS**

- 10.1** The council will always seek to learn from complaints. The focus remains on de-escalation and getting to the root cause of the issues raised by our residents. Regarding schools' complaints, the school is fundamentally responsible for understanding and implementing learning from each case. However, the complaints team and school improvement team continue to support mutual learning of key identifiable themes across all parties involved.
- 10.2** Work is in progress to develop a more robust learning from complaints system, and this may include strategies such as convening regular learning panels with senior officers, documenting learning in our case management systems, reporting directly to leadership team etc.
- 10.3** The following is a selection of lessons learnt and actions taken to rectify.
- 10.4** In the main, where fault was identified, the complaints team regularly provided recommendations to services such as: - sending communications to service managers about the importance of responding to complaints, encouraging holding responses where delays were likely to occur, providing guidance about de-escalation, issuing apologies, the offer for staff training, better communications across teams and delivering services requested by our residents.

## **10.5 The anonymized case studies that follow illustrate how the council has made improvements as a result of lessons learnt:**

10.5.1 Corporate - Council tax annual billing, during 2020-21 received a number of complaints and interactions and enquiries about service delivery. During 2021-22 improvements were made to processes and communications that resulted in fewer complaints alongside fewer interactions with the contact centre about annual billing issues.

10.5.2 Adults Social Care - A complaint was raised in relation to Social Care charging where the complainant felt that the Client Finance process was designed to put people with disabilities and their families off making a challenge. During the investigation, it was found that the views of family members should have been fully considered. From this, a number of changes were implemented to ensure that the council was not leaving people with disabilities at risk of financial poverty. Changes included a training course covering the review and appeals process; council website, letters and booklets to include FAQs covering what a disability related expense is; and internal guidance updated with random quality checks to ensure the service was following policy and procedure.

10.5.3 Children's Social Care - A parent complained that they were prevented from having contact with their children following an alleged allegation that had been made about them. The complainant was unhappy about lack of communication from the social care team and a report had not been provided. Following the investigation, communications were sent to social care staff about the importance of good communication and issuing reports in a timely manner.

10.5.4 Children's Social Care - A complaint was raised about lack of education provided to a child with an Education Health Care Plan who attended a special school alongside a lack of communication from the service. The investigation resulted in an apology being provided to the complainant and an adjustment in the structure of the team delivering this service.

10.5.5 Corporate - A complaint was raised about safety measures in place when a disabled service user was transported to a leisure centre. Following the investigation, a recommendation was made for the council to consider whether it would be reasonable and proportionate to require all vehicles to be provided with ratchet straps and racking in future contracts. It was also recommended that an accessibility audit is undertaken of all council owned leisure centres to consider reasonable and proportionate adjustments which could be implemented to improve accessibility.

## **11 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)**

11.1 The LGSCO (the Ombudsman) provides the final stage for complaints about local authorities and some other organisations providing local public services. The Ombudsman will usually only consider complaints that have already been through the Council's complaints procedures.

<sup>4</sup> A representation is when the complaints team resolved the matter prior to it progressing to a complaint

- 11.2** During 2021-22, the Ombudsman upheld 9 out of 14 (64%) investigations, compared to 6 out of 8 (75%) during 2020-21 and 10 out of 17 (58%) during 2019-20.
- 11.3** The 9 upheld complaints were made up of 4 Corporate complaints and 5 Adult Social Care complaints. For all cases upheld, the council accepted the findings, the lessons learnt and implemented their recommendations.
- 11.4** Furthermore, there have been no Public reports<sup>5</sup> issued against the Council since 2018-19.
- 11.5** The following is a summary of the 9 upheld LGSCO complaints:
- 11.5.1 The Ombudsman upheld a complaint about the council's handling of a complainant's request to pay less council tax. The Ombudsman found that the council did not properly consider the request. The council agreed to reconsider the request, including giving the complainant his right of appeal to the Valuation Tribunal. The Ombudsman considered this was a satisfactory resolution of the complaint.
- 11.5.2 The Ombudsman found that the council did not make clear to a family, in writing, why it withdrew its offer of housing or that it could withdraw discretionary housing points at any time. The Ombudsman found no fault in the council's decision to discharge its main housing duty. The council's direct offer of a flat (made during the investigation of complaint) has ensured the family have adequate housing.
- 11.5.3 A parent complained about the council's refusal to consider his request to admit his summer born child to school outside of his normal age group, into reception, instead of year 1. The Ombudsman found fault and the council issued an apology, made a payment to reflect the distress, time and trouble caused and undertook service improvement.
- 11.5.4 The council had changed the waste collections service to a block of flats to fortnightly. After the complainant raised concerns with the Ombudsman about how unhygienic it was to store waste in the flat because of lack of outside space, the council agreed to revert to the weekly collection and the complaint was subsequently resolved.
- 11.5.5 A council funded care home did not allow the complainant to visit her late father when he was at the end of his life during the COVID-19 pandemic. The council, as the commissioner of the care home services, apologised for its failure to allow end of life visits. Whilst care home providers are responsible for the complaints they receive, Adult Social care services will continue to work in partnership to quality assure the services provided.
- 11.5.6 The Council did not properly explain or record how it decided that a safeguarding enquiry should be carried out by the care provider, rather than the council. The council was also criticised for how the safeguarding enquiry was carried out. The council apologised, paid the complainant compensation, and made service improvements.

11.5.7 The Ombudsman found that the council did not complete a care plan prior to the service user's admission to a care home and did not respond appropriately to concerns about his wellbeing and the alleged behaviour of a carer. It also did not keep the complainant updated during a safeguarding investigation, which was carried out by the authority in which the care home is located, and the response to the complaint was found to be inadequate. The council apologised for the failings and paid compensation to the complainant for the distress, time and trouble raising the complaint.

11.5.8 Although the Ombudsman found fault in a case about the council's delay in finalising a client user's care and support plan, no further action was taken as the Council had since finalised the plan and agreed to pay the complainant a sum of money for the avoidable uncertainty and distress caused by the delay.

11.5.9 The council was found to be at fault because it did not offer the complainant's mother an affordable care home placement, before asking her to pay a top-up towards her mother's fees. This meant the top-up arrangement did not adhere with the statutory guidance. The council agreed to reimburse the complainant the money that should not have been paid.

## **12 RECOMMENDATIONS**

### **12.1 CRMG is asked to:**

- Note the progress being taken to improve complaints handling across the council

<sup>5</sup> A detailed public report is published by the LGO when a council does not agree or implement the recommendations