

Place and Resources Scrutiny Committee

25 January 2022

Corporate Complaints Team Annual Report 2020-21

For Review and Consultation

Portfolio Holder: Cllr J Haynes, Corporate Development and Transformation

Executive Director: J Mair, Corporate Director, Legal & Democratic

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Report Status: Public

Recommendation: That the Committee scrutinises and notes the Annual Complaints Report for 2020/21

Reason for Recommendation: To have an awareness of the numbers and types of complaints and the organisational learning.

1. Executive Summary

This annual report provides an update on the numbers, types and outcomes of complaints made against services at Dorset Council across the Directorate. There are also appendices that meets statutory reporting requirements of Children's Services.

Key messages for 2020-21 are:

- There have been 1268 complaints across the Directorates in 2020-21 which is a 76% increase year on year;
- Of these only 644 have been considered through formal processes
- 624 have been resolved informally with the Complaints Team working with Operational managers towards more agreeable outcomes with less undue process;
- The Local Government and Social Care Ombudsman is able to investigate complaints independently of the Council. Of the 19 Ombudsman investigations only 6 cases resulted in findings of fault by the Council

(maladministration). In all 6 cases the Ombudsman was able to agree remedies with the council without the need to issue formal public interest reports. 3 of the 6 cases related to SEN delays and resulted in the Council agreeing to pay a total of £6,750, up from just £1,800 in 2019-20;

- 39% of responses exceeded the 20 working day timescale up from 16% 2019-20. This is largely attributed to volumes and the pressures associated with the Covid19 pandemic;
- Only 8% of complaints were considered fully justified with 11% part justified;
- There were only 119 learning points collected from complaints suggesting more focus is required on the self-assessment of the services we provide;
- Also we are pleased to report a tremendous increase in compliments across the directorates 633 (up 112%);
- In addition we received 54 code of conduct complaints regarding DC and Town and Parish Councillors in Dorset (some 160 councils and 1,400 councillors). Of these, just 8 were investigated and 3 upheld. In line with our approach to other complaints we will look in the future to how we can learn from complaints about councillors as part of promoting high standards of conduct.

The Complaints Team as an Assurance function continue to make a difference in promoting a culture of learning from complaints despite well documented challenges across the directorates due to the Covid19 emergency. We are also pleased to report that we are able to support managers across the directorates in resolving complaints without undue process, where possible. This is also having a financial benefit with a reduction in Stage 2 complaints and independent investigators fees.

2. Financial Implications

Dorset Council have paid £6750 in LGSCO maladministration charges in 2020-21 compared to £1800 2019-20. This is largely centred around SEN and periods where education was not provided

In 2018-19 **£15,961.75** was spent on independent investigators for the more complex complaints case. Our positive work towards informal resolutions had reduced this figure to just **£30** in 2019-20. Because of the complexity of some Children's Services cases in 2020-21 we have paid £4334.60 to Independent Investigators, but still a great reduction from 2018-19, and historic payments.

3. Well-being and Health Implications

The increase in complaints, coupled with associated vexatious behaviours have had an impact on staff wellbeing and the team area regularly encouraged through line management and other Dorset Council support, to be mindful of themselves and their colleagues in-keeping with our behaviours

4. Climate implications

None

5. Other Implications

None

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

7. Equalities Impact Assessment

None

8. Background Papers

None

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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	2019/20	2020/21	
 Number of FORMAL complaints	358	644	Formal complaints have increased by 80% on 2019/20. Place services, particularly Planning issues, have had the greatest impact.
 Number of INFORMAL complaints	364	624	Informal complaints have increased by 72% on 2019/20. While many complaints need to enter the formal process we try to employ a common sense approach to resolve matters where possible.
 Upheld approaches to the LGSCO Ombudsman compared to total received	4/34	6/19	Of a total of 1268 complaints received, only six resulted in upheld decisions from the Ombudsman at a cost of £6,750 to Dorset Council.
 Timescales (overdue)	16%	39%	39% of complaints exceeded timescales for response compared to 16% in 2019/20. A detailed analysis can be found overleaf.
 % fully justified complaints	5%	8%	8% of complaints were recorded as being fully justified. The Complaints team will need to engage managers to obtain more representative justification data going forward.
 % part justified complaints	24%	11%	11% of complaints were recorded as being partially justified. The Complaints team will need to engage managers to obtain more representative justification data going forward.
 Compliments	298	633	It is encouraging to see that 2020/21 saw a 112% increase in compliments received.
 Learnings	151	119	It is concerning that so few complaints yielded learning points (21% down on 2019/20). We hope to improve on this in the year ahead.

Total Complaints Overview

1268 Complaints 2020/21

performance

2020/21

Numbers

Total Complaint Contacts – 1268

This is an 77% increase from the 722 received 2019-20. Perhaps no surprise as Dorset Council and its services have become more visible to the general public during the Covid19 emergency. With furlough, working from home and a reduction in social opportunities, residents have had more time to scrutinise and take to the online complaint forms. Although we are pleased that the complaints process is accessible and easy to find, we have also seen an increase in vexatious and aggressive behaviours. Although in some cases complaints have given the authority a chance to learn and implement changes. Out of the 1268 contacts, 644 of these were considered as formal complaints. The focus on early resolution continues to pay dividends for both council staff and those complaining but we need to ensure that we don't obstruct statutory processes due to the significantly increased demand.

Formal Complaints 644

This is an 80% increase on the 358 received 2019-20. Place services have had the greatest impact as they provide the most visible services to the public. Planning matters have featured heavily as well as neighbour disputes. We feel this evidences some of the impacts Covid19 has had on peoples tolerances to one another.

Informal Complaints 624

This is a 72% increase on the 364 received in 2019-20. Although we are encouraged by Dorset Council's appetite for informal resolution we also recognise some formality is required for some areas, (particularly Planning and Adult Finance), to ensure outcomes are reached without unnecessary bureaucracy. We do however need to employ a common sense, outcomes-based approach to complaints handling when possible. The issue in 2020-21 is at times untenable volumes of both.

Local Government & Social Care Ombudsman Complaints

Members should be heartened that of 1268 complaints, only 6 of the complaints we have received last year resulted in upheld decisions from the ombudsman. This is from a total of 19 approaches at a cost of £6,750 to the council, up from just £1800 in 2019-20. Three of these fines related to SEN delays and one related to an Adult Social Care matter. The other two findings required apologies without penalty.

Timescales – 39% Overdue

This compares to 16% overdue in 2019-20. The complaints procedures operated by the Council vary in timescales for responses. The Whole Authority procedure is 20 working days, the Children's Services Social Care procedure is 10 working days, up to 20 by exception (with automatic escalation to an independent investigation if not met. This can be costly). The Adult Social Care procedure does not specify exact timescales, and we are now looking to establish these on a case by case basis depending on the gravity and risk of the complaint and the time need to investigate it. For last year, the timescale for these cases was set at 20 working days, which was not always achievable. The 39% of complaints exceeded the deadline of 20 working days is a reflection on volumes of complaints and pressures across the directorates during the Covid19 emergency. In response to the Covid19 efforts there were two occasions Dorset Council's Complaints team were closed for non statutory complaints and redeployed. This resulted in a large backlog we have still not recovered from

Justifications – 8% fully 11% partially

This compares to 5% fully 24% partially in 2019-20. It is surprising that so few complaints are considered to be justified by responding managers. The Complaints Teams role in 2021-22 is to perhaps challenge this a little more to see if complainants really do have a point on occasions. That said it has been an unprecedented year for complaints.

Compliments – 633

The good news story in 2020-21 is that compliments have increased 112% from 298 to 633. The Complaints team have captured and shared these compliments which has been really beneficial both to the individuals and the Complaints team themselves. Its important we recognise a job well done as well as the scrutiny and critique.

Learnings - 119

Our main concern is the apparent limited value all these complaints are bringing the Local Authority. 119 is 21% down on the 151 learning points from operational managers in 2019-20. Given the 77% increase in complaints, we would hope for a proportion increase in learnings, actions and value. At the time of this report, the resources managing the 77% increase in complaints is the same as 2019-20. We hope we can address this so we can restore the respected 'learning from complaints' culture we had worked so hard to establish since the Corporate Team was formed.

Total Complaints Overview

2020/21

2020/21

Background

The purpose of this report is to highlight key issues from the Annual Report for Complaints 2020/21. There is a full annual report to support this executive summary together with material to meet the statutory functions associated with Social Care.

Introduction

The corporate Complaints Team was established in the Shaping Dorset restructure to manage complaints for a new Dorset Council. The team sit in Legal & Democratic as an Assurance function, with the emphasis more on learning from complaints, rather than merely processing numbers. As the report will show, the well documented challenges of Covid19 has led to a greater level of scrutiny on services and there have been times where the extra value has been hard to capture due to 77% increase in volumes.

The Complaints Team have also been heavily involved in helping Dorset Council manage vexatious and unreasonable behaviours. The number of people now managed through a Single Point of Contact at Dorset Council has increased by 133% and involved a great deal of resource in the team

Although a challenging year, we are proud of some of the work done across the team but must accept that current resources are not equipped to sustain a 77% increase. There were two occasions Dorset Council's Complaints Team were closed for non statutory complaints and redeployed. This resulted in a large backlog we have still not recovered from

The council operates 3 complaints procedures. The Council's own – which is a one stage process with a review process as necessary and Children's Services and Adult Services Social Care have their own legal procedures. Full details of these procedures are found in Appendix 1 and 3 as full reports which are required to satisfy legislation. In addition, we receive representations from our service users. These still require a response and/or the issues raised need to be resolved and we arrange with operational managers to do this. Should this approach be unsuccessful, we then consider the matter as a formal complaint.

The team's focus for this coming year is:

Team Wellbeing and Development – Galvanising a team remotely in isolation has been a genuine challenge in 2020-21, especially as inviting some of these negative sentiments and behaviours into your home can have a tremendous impact on staff wellbeing. We have been very vocal in ensuring staff are aware of the support available.

IT developments – Covid-19 had slowed the developments for the new operating software planned this winter. We are nearing a time where we can roll this out across the Council in an effort to speed up allocations without losing the learnings

Reporting/Learning – Due to service pressures during the Covid pandemic, we have seen a worrying backward step in 2020-21 in learning and actions from complaints. We need all Complaints staff to engage still more with managers in an effort to further improve the good work that was able to be achieved.

Prior to Q4 2020-21 Dorset Council's Complaints did not have a single point of entry and operating system. This resulted in inconsistency in the information being reported on timescale and justifications. We are happy to confirm that we have now rolled out bespoke software that will provide consistent data across the directorates. People and Health complaints process is statutory and required details on justifications. Our own corporate complaints policy is not statutory and justifications are hard to establish as complaints are often service requests or disagreements with decisions. The Complaints Team will be engaging more with Heads of Service to ensure this data is improved.

Total Complaints Overview

2020/21

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2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	18	28	31	38	115
	Number of INFORMAL complaints	10	16	14	10	50
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/1	0/1	1/2	1/4
	Timescales (overdue)	11%	11%	11%	20%	13%
	% fully justified complaints	4%	0%	0%	5%	2%
	% part justified complaints	7%	7%	20%	20%	14%
	Compliments	35	18	33	19	105
	Learnings	4	3	8	3	18

People - Adults - Social Care
Total Complaints = 165

2020/21

performance

dorsetcomplaints



2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	6	12	6	9	33
	Number of INFORMAL complaints	0	0	0	7	7
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/0	0/0	0/0	0/0
	Timescales (overdue)	Unknown	Unknown	Unknown	50%	Unknown 50% Q4
	% fully justified complaints	Unknown	Unknown	Unknown	Unknown	Unknown
	% part justified complaints	Unknown	Unknown	Unknown	Unknown	Unknown
	Compliments	0	0	0	0	0
	Learnings	0	0	0	3	3

People - Adults - Non Social Care
Total Complaints = 40

2020/21

performance

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2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	23	120	123	80	346
	Number of INFORMAL complaints	79	120	44	93	336
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/1	1/2	0/4	1/7
	Timescales (overdue)	10%	4%	78%	67%	40%
	% fully justified complaints	5%	4%	3%	10%	6%
	% part justified complaints	5%	5%	5%	15%	8%
	Compliments	117	92	58	97	364
	Learnings	6	17	10	33	66

Place Complaints Overview
Total Complaints = 682

2020/21

performance

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2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	9	7	10	9	35
	Number of INFORMAL complaints	0	0	0	38	38
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/0	0/0	0/0	0/0
	Timescales (overdue)	Unknown	Unknown	Unknown	67%	Unknown
	% fully justified complaints	Unknown	Unknown	Unknown	Unknown	Unknown
	% part justified complaints	Unknown	Unknown	Unknown	Unknown	Unknown
	Compliments	40	6	4	14	64
	Learnings	0	0	0	1	1

Corporate - Total Complaints = 73

2020/21

performance

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2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	10	22	12	7	51
	Number of INFORMAL complaints	27	42	33	29	131
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/0	0/2	0/2	0/4
	Timescales (overdue)	4%	13%	22%	50%	22%
	% fully justified complaints	4%	8%	8%	4%	6%
	% part justified complaints	15%	16%	11%	8%	13%
	Compliments	30	14	8	20	72
	Learnings	5	10	7	4	26

People - Children's - Social Care
Total Complaints = 182

2020/21

performance

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2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	1	5	12	19	37
	Number of INFORMAL complaints	3	3	2	11	19
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	1/1	1/1	1/3	3/5
	Timescales (overdue)	25%	0%	36%	70%	33%
	% fully justified complaints	25%	12%	14%	20%	18%
	% part justified complaints	0%	25%	14%	0%	10%
	Compliments	11	6	9	2	28
	Learnings	2	1	1	4	8

**People - Children's - Non Social Care
Total Complaints = 56**

2021/21

performance