

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	SOUTHAMPTON CITY COUNCIL COMPLAINTS ANNUAL REVIEW 2019/20		
DATE OF DECISION:	4 th DECEMBER 2020		
REPORT OF:	SERVICE DIRECTOR: LEGAL & BUSINESS OPERATIONS		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Sarita Riley Service Lead - Legal Services Partnership, Legal and Governance	Tel: 023 8083 3218
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STATEMENT OF CONFIDENTIALITY							
N/A							
BRIEF SUMMARY							
<p>This report summarises the type and number of complaints received from the 1 April 2019 and 31 March 2020 together with the Local Government and Social Care Ombudsman annual review for the same period. Overall complaints registered with the council have remained the same (344 this year/342 last year).</p> <table border="1"> <tr> <td>Corporate Complaints</td> <td>no change – 202 2019/2020, 201 2018/2019</td> </tr> <tr> <td>Adult Services Complaints</td> <td>50% decrease – 37 2019/2020, 75 2018/2019</td> </tr> <tr> <td>Children and Families Complaints</td> <td>60% increase - 105 2019/2020, 66 2018/2019</td> </tr> </table>		Corporate Complaints	no change – 202 2019/2020, 201 2018/2019	Adult Services Complaints	50% decrease – 37 2019/2020, 75 2018/2019	Children and Families Complaints	60% increase - 105 2019/2020, 66 2018/2019
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<p>The Complaints Resolution Team (CRT), based in Legal and Business Operations, administers complaints independently from all areas within the Council (stage 2) that the service area has been unable to resolve at initial point of contact (Stage 1), alongside and responsible to the Head of Legal Services Partnership who acts as the Council's single point of contact for Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) complaints.</p>							
RECOMMENDATIONS:							
(i)	That the report be noted and to offer any feedback on governance or performance relating to the complaints function to inform future service delivery.						
REASONS FOR REPORT RECOMMENDATIONS							
1.	To update members of this Committee on performance trends and any learning points arising out of complaints made by the public via the Council's complaints procedures during 2019/20. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.						

2.

This report is presented to Governance Committee for information, learning points and feedback purposes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A. The LGSCO requires the Council to report and consider complaints trends and outcomes annually with members and senior management.

DETAIL (Including consultation carried out)

4. The effective and responsive management of complaints is a vital part of the Council’s overall approach to customer care. In addition, the customer feedback, that valid complaints provide, can be used to improve service delivery, facilitate Council-wide learning and demonstrate continuous improvement.

5. At the conclusion of a complaints investigation, the complainant is advised that if they are not satisfied with the outcome, they may pursue their complaint to the LGSCO or the HO. This provides the customer with an entirely independent source of redress if they remain aggrieved. The Council works closely with the LGSCO or HO to resolve outstanding complaints where appropriate.

Corporate Complaints (1 April 2019 and 31 March 2020)

6. Continuing with an “immediate service recovery” ethos adopted four years ago, customer facing areas have been able to decrease the number of complaints recorded year on year, by taking immediate effective action on receipt of an issue from a member of the public.

7. Where immediate action is not possible or the issue is identified as a continuing failure within the service area, matters are recorded as complaints and enter the complaints procedure and, therefore, recorded as such.

8. By adopting this approach, member of the public are receiving an immediate resolution to the issue, which is generally what is required.

9. The number of recorded complaints in all areas of the Council initially saw a sharp decrease since the introduction of the immediate service recovery ethos.

10. Last year showed a slowing of this decrease. This year has shown a plateauing in corporate areas, a further decrease in Adult Social care (due to the introduction and subsequent embedding of a dedicated staff member dealing with initial complaint reports) and a significant increase in complaints regarding Children & Families (despite the introduction and subsequent embedding of a dedicated staff member dealing with initial complaint reports).

Corporate Areas

11. From 01/04/2019 to 31/03/20, the council recorded 202 corporate complaints. Stage 1 registered and dealt with by the service area affected:

Stage 1	2019/20	2018/19	2017/18	2016/17
Total	202	201	260	312
Responded in time (20 days)	132 (65%)	56%	79%	78%

We are currently unable to report on the percentage or number of complaints upheld at stage 1 as the updated CRM (Lagan) searches do not incorporate this function. This is being rectified and figures will be available from the next reporting year (and back dated figures will be available for comparison).**

12.

Of those stage 1 complaints, the following were examined at Stage 2 by the Complaints Resolution Team, following a request from the complainant:

Stage 2	2019/20	2018/19	2017/18	2016/17
Total	77	49	45	51
Responded in time (20 days)	100%	100%	93%	98%

13.

Examples of feedback and changes made as a result of stage 2 independent review of corporate service area complaints.

The majority of complaints are regarding personal circumstances were the issues raised are specific to the individual or case. The examples given are where the outcome has had an effect of council response that affect general process :

Example one;

A resident of a communal block of Council owned flats complains that the communal large waste and recycling bins are not regularly cleaned, leaving residents suffering smells and risk of infection from rotting waste and residue in the bins. The resident complains that houses issued with their own single bins have the opportunity to clean or keep clean their own bins, communal residents do not.

Complaint Upheld.

It was discovered that cleaning of communal bins was an ad-hoc process undertaken by Housing. The process was developed over a number of years but had not kept up with the Council changes and responsibilities. The ad-hoc process was also not compliant with Health and Safety and Environmental Regulations.

Outcome:

Policy, reporting process and available information to residents has been updated. Housing and Waste Management now have a process in place whereby the communal bins can be taken to Waste Management facilities to be cleaned (rather than done at the communal blocks by Housing staff) and are cleaned/replaced on a rolling programme.

Example two:

A resident complains that after reporting a repairs issue that the matter was “left to drift” and his attempts to have the repairs issue dealt with were thwarted by a lack of updates from both the Contact Centre and the Housing repairs service.

Complaint Upheld

It was discovered that there was a genuine and reasonable explanation as to why these particular repairs had been delayed (stock supply issue). The difficulty experienced by the resident was the lack of update and timescale for repair. It appears that both the housing repair service and the contact centre had no clear direction as to whose responsibility it was to update the resident as the delay information and subsequent further updates were received by the council. A further issue was discovered in that the contact centre did not have full access to the Repair system therefore were not aware of the updates when the resident called.

Outcome;

This complaint coincided with the Contact Centre function being transferred back to the Council from Capita. During the handover process the subject of responsibility for repair update and access to all information was dealt with and new process and access is in place. The Contact Centre staff are now able to view more of the records and have an agreement in place with Housing regarding updates and outgoing contacts with members of the public with regard to ongoing issues, rather than relying on members of the public ringing in.

(This issue was also addressed in a number of other service areas).

Adult Social Care

14. From 01/04/2019 to 31/03/20, the council recorded 37 adult social care complaints. Stage 1 registered and dealt with by the service area affected:

Stage 1	2019/20	2018/19	2017/18	2016/17
Total	37	75	64	84
Responded in time (20 days)	23 (63%)	47%	65.3%	50%
Upheld	Not available	36%	33%	35%

Upheld figures were not recorded consistently throughout the year by ASC due to changes in recording circumstances. This will be rectified for the next reporting year

15. Of those stage 1 complaints, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:

Stage 2	2019/20	2018/19	2017/18	2016/17
Total	7	9	9	8
Responded in time (20 days)	100%	100%	80%	83%
Upheld (incl. partially upheld this year)	57%	11%	0%	12.5%

16.	<p>Examples of feedback and changes made as a result of stage 2 independent review of Adult Social Care service area complaints.</p> <p>The majority of complaints are regarding personal circumstances were the issues raised are specific to the individual or case. The examples given are where the outcome has had an effect of council response that affect general process :</p> <p>Example one;</p> <p>After the transfer of an elderly resident, being supported by ASC at the time, from her own home to council support accommodation, staff from Adult Social Care recovered a number of items from the ladies home for safe keeping, whilst the transfer took place.</p> <p>Upon the death of the resident, and the request for the items from the family, the items could not be found.</p> <p>Complaint Upheld.</p> <p>It was discovered that there was no policy or process in place to correctly record such events nor any secure dedicated storage with appropriate access controls/register in place.</p> <p>The ASC team had correctly taken the items (given the circumstances of the case). They had issued a receipt and recorded events on the Social Care system. The items had been placed in a safe, not under the control of the ASC team.</p> <p>Some months after the events the items were missing from the safe. Extensive enquires did not reveal the whereabouts of the items.</p> <p>Outcome;</p> <p>The family were compensated for the loss of the items.</p> <p>Adult Social Care now have a process in place for such events (which are rare), a dedicated, secure and audit trailed repository for items and a regular review of any stored items so that they are returned or disposed of in the shortest possible time. The default position is that the council will not take "ownership" of any items except in exceptional circumstances were not alternatives exist.</p> <p>Example Two;</p> <p>A relative of an elderly person, supported by ASC, reported that the council had failed to provide clear and unambiguous communication regarding the change of the supported person care package (URS to self-funding). This had caused significant and unnecessary distress.</p>

Complaint Upheld;

It was found that the process and charges were correct. However the information via general public access (web etc.) was poor and the explanation and documents issues by the Care Manager at the time of change was insufficient.

Outcome;

Information via SCC web pages has been updated and links have been provided to Government web information.

Leaflets for Care Managers to give to clients have been reviewed and improved.

Children & Families (including Education)

17. From 01/04/2019 to 31/03/20, the council recorded 105 children and families complaints. Stage 1 registered and dealt with by the service area affected:

Stage 1	2019/20	2018/19	2017/18	2016/17
Total	105	66	69	99
Responded in time (20 days)	53%	65%	46%	60%
Upheld (incl. partially upheld this year)	63%	33%	19%	27%

18. Of those stage 1 complaint, the following were examined at stage 2 by the Complaints Resolution Team, following a request from the complainant:

Stage 2	2019/20	2018/19	2017/18	2016/17
Total	35	20	11	10
Responded in time (20 days)	100%	80%	76%	86%
Upheld (incl partially upheld this year)	40%	20%	9%	20%

19. Examples of feedback and changes made as a result of stage 2 independent reviews of Children & Families complaints:

Examples of feedback and changes made as a result of stage 2 independent review of Children and Families service area complaints.

The majority of complaints are regarding personal circumstances were the issues raised are specific to the individual or case. The examples given are where the outcome has had an effect of council response that affect general process :

Example one;

An advocate, on behalf of a client's mother, complains that throughout the involvement of Children and Families in the case, the incorrect interpreter service was supplied despite the representations of the mother that she did not fully understand what the process was and why matter were progressing as they were.

Complaint Upheld;

It was discovered that the family were initially referred to Children and Families by the Police. On the referral papers the police had noted the first language of the mother. On initial and subsequent interactions with the mother, Children and Families had through the LA contract with an Interpreter Service supplied an interpreter based on the information given by the police (and subsequently noted on the Social Care File).

Although the language quoted was correct, the language has a number of dialects and they are distinctly different.

The Children and Families staff did not react to the mother's representations that she was having difficulty understanding all that was happening. Neither did any of the supplied interpreters point out this error.

It was discovered through complaint investigation that the particular dialect that was required could not be supplied by the LA's regular contracted supplier.

Outcome;

A new process has been written for interpreter services. No supplied information on referral is relied upon and the onus is on Children and Families to establish through their own enquiries, what language and dialect is required.

The web link to the interpreter service contracted to the LA has been updated and a second interpreter service process is now available should the main contractor be unable to supply a specific language or dialect.(this is available to the LA as a whole).

Example Two:

A family member of a "Looked after child" complained that the records held by Children and Families (in the Social Care system) were inaccurate and that his requests for further contact with his grandchild were not dealt with efficiently.

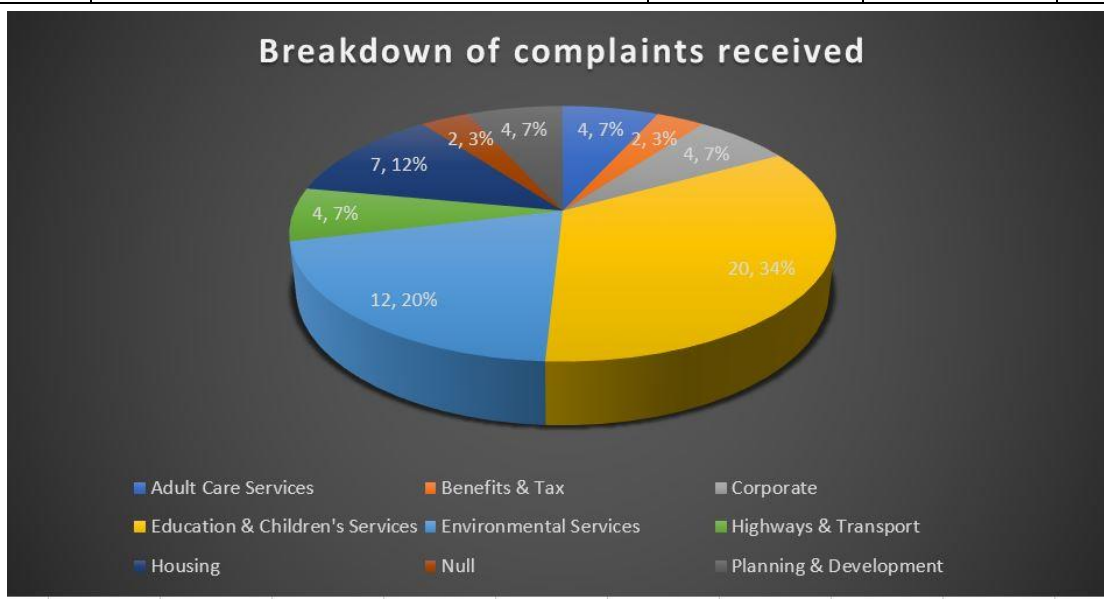
Complaint Not Upheld

This complaint was not upheld. It was discovered that the information held on the Social Care system was supplied to SCC by the Care Home

	<p>accommodating the young person. The information given was subsequently found, due to this complaint, to be incorrect. This gave rise to concerns at the time, regarding the family members contact. Therefore a further request for contact was scrutinised for longer than is usual due to the information supplied by the Care Home.</p> <p>Outcome</p> <p>The matter has been rectified by the supply of all records from the Care Home and the updating of the SCC social Care system. The Care Home failed to supply regular contact records and information, despite requests from the SCC case holder. The contact with this care home has been cancelled and the young person moved. The Home is no longer used for placement of SCC Looked after Children.</p> <p>SCC acted correctly in scrutinising the request for further contact, given the information that was on the system at the time of the request.</p> <p>SCC apologised to the family member having explained the situation. The positive outcome being that the Young person is now accommodated closer to Southampton by a considerable distance making contact and visits easier.</p> <p>Contracts between Care Homes and SCC are specific and fit for purpose. The lesson in this case is that insufficient enquiries were made when the regular information required, under contract, was not forthcoming from the Care home. Improved reporting to management is now in place for Social Workers to escalate concerns when regular information is not automatically received from Care Homes regarding young people placed by SCC.</p> <p>It is a contractual requirement for Care Homes to send regular and accurate information, chasing this by Social Workers is not efficient use of their time. Therefore escalation to SCC managers, both Children and Families and the LA's Contract Team should ensure compliance by the contacted Care Home.</p>
20.	<u>Learning from Complaints (overall)</u>
21.	<p>It is clear that there is an increasing instance of complaints not being dealt with effectively at stage 1 of the Children's statutory complaints process. There are lengthy and significant delays in identifying, allocating and responding to complaints, poor record keeping in communications with clients and their families, information and input consistently supplied late or not at all through later stages of the complaints procedures leading in turn to an increase in complaints proceeding to later stages and in turn being upheld for poor administrative process. This has both reputational and cost implications for the Council.</p>
22.	<p>It should be noted that the vast majority of children's complaints that are upheld are not as a result of service failures to the child or family in question, or</p>

	represent mainly low impact outcomes for those families but rather complaints are being upheld and remedies and financial awards being imposed as a result of failures to properly identify, consider and respond effectively to complaints within the service areas.
<u>Local Government & Social Care Ombudsman(LGSCO) & Housing Ombudsman Complaints</u>	
23.	LGSCO complaints, the final 'independent' stage for all complaints processes, are dealt with by the Service Lead: Legal Services Partnership on behalf of the Council. The LGSCO (the Commission for Local Administration in England) provides an independent review of all complaints falling within their jurisdiction. The Housing Ombudsman performs a similar function for landlord related complaints. Housing policy and non-landlord related functions fall to the LGSCO to consider. In an effort to simplify outcomes for complainants the LGSCO has in recent years moved from findings of 'Maladministration' and 'Injustice' to a more commonly understood term 'fault'. If 'Fault' is found a complaint is recorded as upheld, even if the fault was relatively minor or the Council has already taken steps to remedy that fault and the LGSCO is satisfied with the remedy offered by the Council. All findings are now reported on the LGSCO website within 3 months of the decision being published.
24.	Statutory reports still remain the highest 'fault' finding the LGSCO can make. These require the Council's Monitoring Officer to prepare a report for consideration at full Council following a period of statutory publication of the findings. None have been prepared in recent years. Council's that fail to co-operate with the LGSCO or any of their findings may be subject to enforcement action and ultimately Judicial Review.

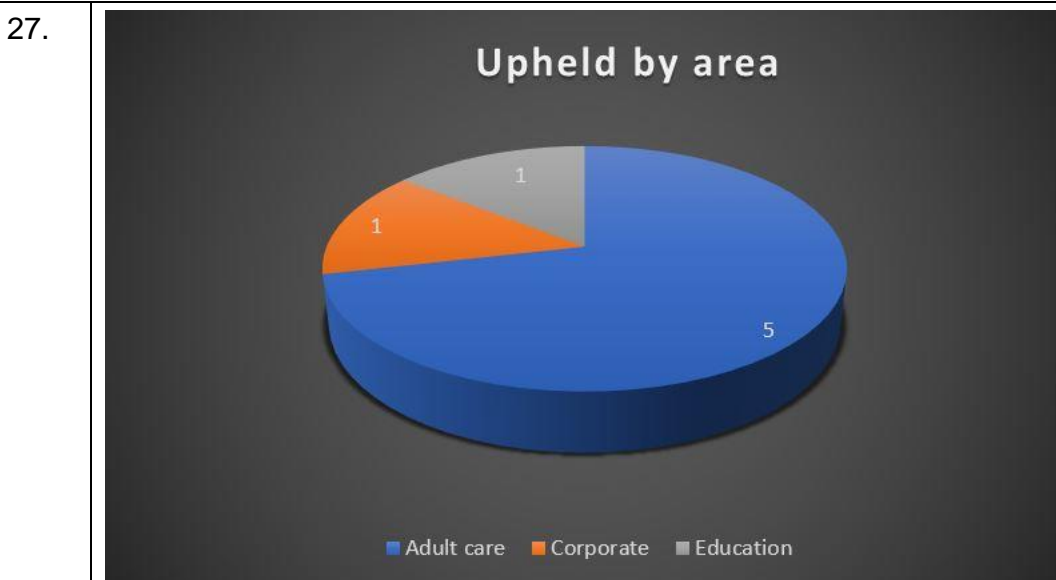
25.		2019/20	2018/19	2017/18
	Complaints Received	59	66	74
	Decisions made	57	74	68
	Statutory reports	0	0	0
	Upheld	7 (70%)	12 (70%)	7 (50%)
	Not upheld	3 (30%)	5 (30%)	7 (50%)
	Closed / invalid, etc.	25	11	15
	Premature Complaints	22	28	39



26. Upheld complaints have remained at 70% with a reduction in the overall number of complaints received during 2019/2020.

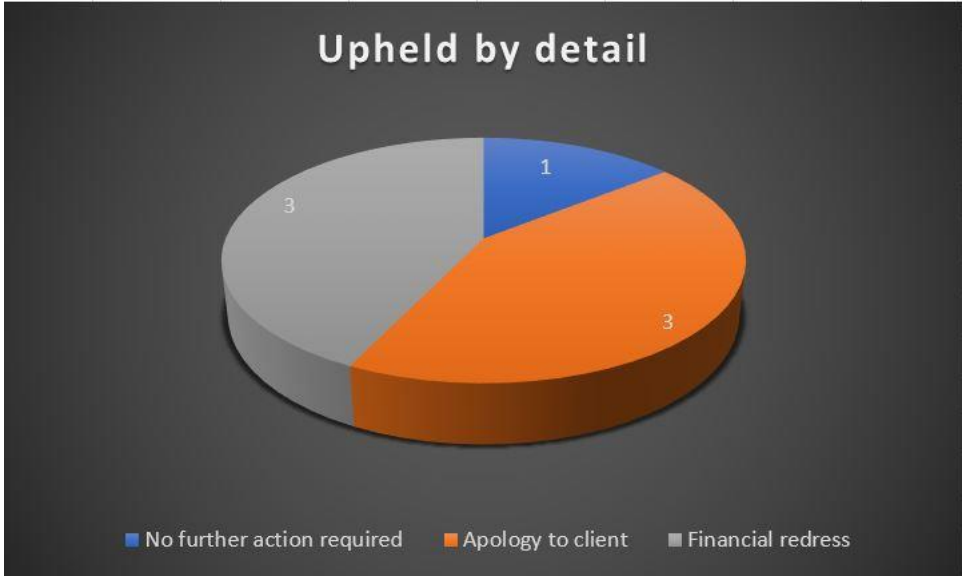
There has been an increase in complaints regarding Education and Children's Services (from 11 (17%) to 20 (34%)) overtaking Adult Care Services as the highest percentage

LGSCO Complaints Upheld by area 2019/20



28.	Across the 7 upheld complaints by the LGSCO during 2019/2020, 5 were in Adult Care, 1 in Corporate and 1 in Education
29.	Although a large percentage of complaints were regarding Education and Children's Services, only one in this area was upheld. 71% of the upheld complaints related to Adult Care

Details of Complaints Upheld

30.	<p style="text-align: center;">Upheld by detail</p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Category</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>No further action required</td> <td>1</td> </tr> <tr> <td>Apology to client</td> <td>3</td> </tr> <tr> <td>Financial redress</td> <td>3</td> </tr> </tbody> </table>	Category	Count	No further action required	1	Apology to client	3	Financial redress	3
Category	Count								
No further action required	1								
Apology to client	3								
Financial redress	3								

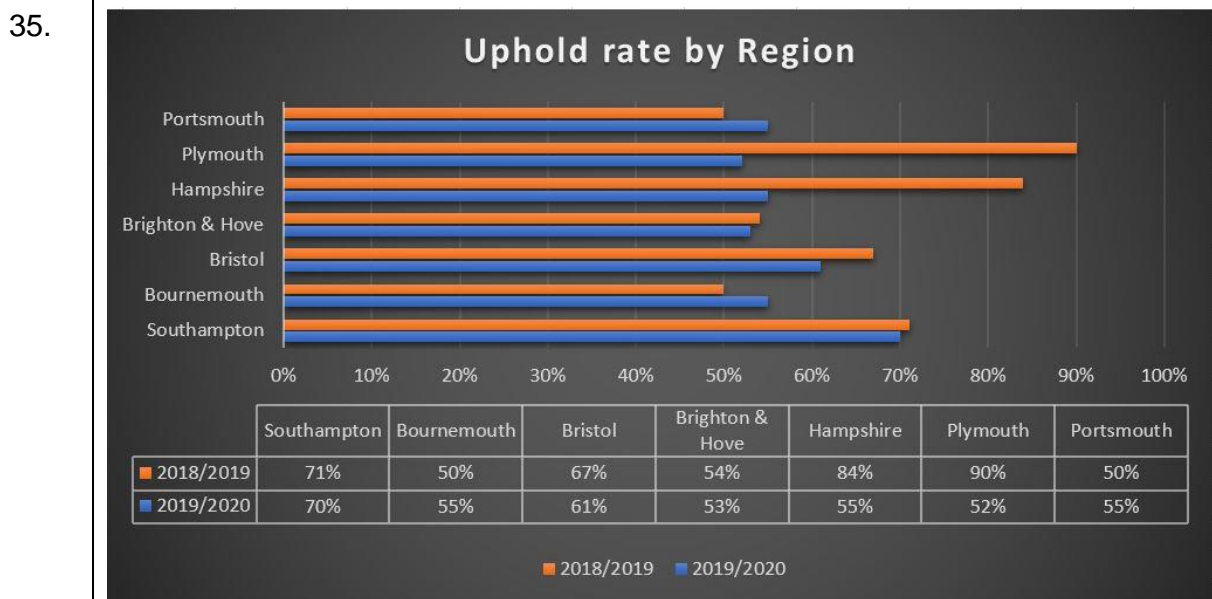
31.	Of the 7 upheld complaints, 1 required no further action, 3 required an apology to the client and 3 required financial redress totalling £32,860
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32.	<p><u>Adult Care Services matters:</u> Of the upheld complaints regarding Adult Care Services, two required financial redress totalling £29,160. One is an ongoing complaint and the £20,410 payment made was for backdated care home payments as there was a delay in assessing the needs of the client. A result of the findings was an independent assessment, a care and support plan and backdated funding. The second complaint related to Kentish Road of which there were 8 upheld matters last year and subject to a separate report in 2018/2019. The requirements were to carry out further reviews and a mental capacity assessment with a payment of £8750 to reflect the loss of respite care. Two upheld complaints resulted in an explanation and apology to the client with reviews and action plans put in place to avoid further distress. A further matter for Adult Care didn't require any further action from the LGSCO.</p> <p><u>Education and Children's Services matter:</u> A delay in funding for an extension resulted in cramped conditions for a family and an amount of £3700 was paid for the distress and overcrowding over an 18 month period. The Council have since developed a policy regarding its approach to funding extension works, to avoid delays in the future and this was finalised in May and distributed to all relevant staff.</p> <p><u>Corporate matter:</u> This was regarding a misinterpretation of Clause 21.1.2 of the framework agreement between the Council and the client regarding mediation and the Council apologised for this and it was referred to an independent adjudicator with mediation starting as soon as possible.</p>
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How Does Southampton Compare?

33. The table below shows how Southampton performs against key local and unitary comparators (detailed investigations and overall % upheld). This is an edited snapshot of total number of detailed investigations and the percentage upheld and is not intended to give more than a brief overview of comparative pressures / performance. More detail, and statistics for all other Councils, is included in the LGSCO Annual Report referred to above.

34.		2019/20 (Uphold rate)	2018/19 (Uphold rate)
	Bournemouth	Info not available	42 (50%)
	Bristol	33 (61%)	18 (67%)
	Brighton & Hove	17 (53%)	37 (54%)
	Hampshire	38 (55%)	25 (84%)
	Plymouth	23 (52%)	20 (90%)
	Portsmouth	11 (55%)	16 (50%)
	Southampton	10 (70%)	24 (71%)



36. Full details of both the Council's annual performance letter and the LGSCO Annual Review can be viewed on www.LGSCO.org.uk

Learning from Complaints

37. Whilst the overall number of complaints received has dropped, there is still a 70% uphold rate which shows more attention needs to be given to these areas. It is difficult to identify any real common themes with very low numbers such as these but the majority of complaints are down to lack of communication. Except for the financial redress (recommended action) the remaining upheld complaints required an apology for not fulfilling original requests from clients.

38. It was predicted last year that due to the implementation of a Restorative Practice approach across all council services, the complaints recorded during this period would hold at present levels (which it has in the uphold rate) or see a

	small decrease (shown in the overall complaint numbers). These numbers will continue to decrease whilst the Council follows this new approach.
39.	As of 2018/2019, there is new and updated guidance with regard to process and investigation of complaints, together with advice and guidance from the LGSCO and published on the Southampton City Council intranet to aid managers and others tasked with resolving complaints. There are still areas to address with regard to interpretation, communication and delays in responding which have been highlighted in these upheld matters during 2019/2020.
40.	It should also be noted that LGSCO data looks back an entire year previous to our internal complaints data and it is therefore expected that the rising trend in children's complaints shown in our internal complaints recording will be reflected in next year's LGSCO annual report.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
41.	None.
<u>Property/Other</u>	
42.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
43.	Section 111 Local Government Act 1972 and Section 1 Localism Act 2011.
<u>Other Legal Implications:</u>	
44.	Individual complaints touch on a wide variety of Council duties and powers which are taken into account (alongside pervasive legislation such as the Equalities Act 2010) when reviewing and responding to customer complaints and areas of service recovery or improvement.
RISK MANAGEMENT IMPLICATIONS	
45.	None in relation to this report. No major issues or areas of concern for the Council as a whole highlighted in this year's review however individual complaints are risk assessed on a case by case basis.
POLICY FRAMEWORK IMPLICATIONS	
46.	The complaints function is exercised wholly in accordance with the Council's Policy Framework.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	
2.	

Documents In Members' Rooms

1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	