

Member Report

Corporate & Ombudsman Complaints Monitoring Annual Report for 2023/2024



Public

To:	Governance Committee	Date:	November 2024
From:	Managing Director (Head of (Paid Services)	Decision type:	For information
Portfolio:	Resources	Forward Plan reference:	
Priority:	All Priorities		

1 What is the recommendation?

- 1.1 It is recommended that Members note the summary of complaints activity processed by the complaints team for last year and the findings of the Local Government and Social Care Ombudsman (LGO) in their annual letter covering the 1st April 2023 to 31 March 2024.
- 1.2 It is essential to report and reflect on areas of concern, it is hoped feedback can provide valuable insight into the Council's services and detect early warning signs of problems to help make plans for the future.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 This report supports our goal to drive improvement across Council services. Public experience of local services is at the heart of our thinking with the aim to resolve complaints in a structured and timely manner. The Council have three complaint procedures that are utilised when processing complaints, the selection of which is dependent on the subject nature of the complaint. The three complaint procedures are:
 - Statutory Children and Families Social Care Complaints Procedure - is a three staged procedure and is used when complaints fall under the Children Act 1989. Complaints are predominantly from children, parents or someone who has parental responsibility for a child who is adopted, in foster care, looked after, or any person who it is considered has a sufficient level of interest in a child's welfare. A statutory annual report for the period of the 1st April 2023 to 31 March 2024 has been produced on the complaint activity for this procedure and can be found using the following link [Children and Families - Complaints Compliments Annual Report 2023 - 2024.pdf \(PDF, 425.45KB\)](#) The annual report was reported to the Children and Families Scrutiny Committee in July 2024 and published on the Council's internet.
 - Statutory Adult Social Care Complaints Procedure – is a one staged procedure and is used when complaints are made by someone receiving an adult social care service, by a relative or friend of someone receiving an adult social care service or by someone who is affected by something an adult social care service has or had not done. A statutory annual report for the period of the 1st April 2023 to 31 March 2024 has been produced on the complaint activity for this procedure and can be found using the following link [Adult Social Care - Complaints and Compliments Report 23-24.pdf \(PDF, 799.49KB\)](#) The annual report was reported to the Adult Scrutiny Committee in July 2024 and published on the Council's internet.

- Corporate Complaints Procedure – the new corporate complaints procedure is a two staged procedure which was approved by the Governance Committee in April 2024, which brought the procedure in line with the LGO’s new Complaint Handling Code, issued to councils to provide guidance about good administrative practice. The information provided in this report is for the period of the 1st April 2023 to 31 March 2024 in which all complaints were based on the previous corporate complaints procedure which had an accessible, informal, and resolution-focussed system with has three stages. Where an early, informal resolution was not possible at Stage 1 of the process and the complainant remained dissatisfied, the procedure allowed for a more formal Stage 2 investigation. There was also a final, discretionary Stage 3 process which involved convening a panel made up of members drawn from the Governance Committee. The decision to invoke the discretionary stage was taken by the Monitoring Officer who personally reviewed each relevant complaint in detail.

2.2 Ultimately, the complainant is always able to take the complaint to the Ombudsman and every year an Annual Letter is published summarising details of the complaints they have considered from all three of the Councils complaint procedures.

3 Corporate Complaints Received 2023-2024 Financial Year

3.1 During this period 97 complaints were handled under Stage 1 of the corporate complaints process. There has been an increase in the number of stage 1 complaints received from the previous year where 80 complaints were received. This increase is in part due to the manner in which complaints are managed by the complaints team. On initial receipt of a complaint, it is reviewed as to which complaint process is the most appropriate procedure to follow, if a complaint is a none-statutory Children’s or Adult complaint, it is processed through the more appropriate corporate procedure.

3.2 Of the 97 Stage 1 complaints received, 29 progressed to Stage 2 of the complaints process where a more detailed investigation was undertaken by a senior officer in the service area. This figure compares to 22 complaints that progressed to stage 2 last year.

3.3 Stage 3 Complaints

Of the 29 Stage 2 investigations, 15 complainants told us they remained dissatisfied and requested their complaints be considered at the final discretionary Stage 3.

3.4 The Monitoring Officer reviewed all the correspondence on each of the stage 3 complaint requests, considered the merits of invoking a Stage 3 and approved 3 of these complaints to be reviewed at a Panel. The remaining 12 complaints were directed to the Ombudsman for consideration.

Dissatisfied complainants always have recourse to the Ombudsman, and some prefer to trust the Independence this body can provide. However, the level of complaints being resolved prior to referral to the Ombudsman would suggest that we generally have effective complaint arrangements in place.

3.5 Details of the three Stage 3 panel hearings which took place are summarised below:

Complaint	Outcome
<p>COMP-23-009 Panel – 06/09/23</p> <p>The complaint related to the complainant’s view that they were wrongly issued with a Community Protection Warning and that they were concerned about the conduct of a council employee in</p>	<p>The Panel did <u>NOT UPHOLD</u> the complaint and noted that council officers had acted properly and detailed a number of visits made to the complainant’s property and that of their neighbours. In regard to the issuing of a community protection warning the panel felt that officers acted properly and when deciding to issue the warning and worked in co-ordination with the Police. Although the panel felt the issuing of the warning was warranted, they recognised that the manner in which it was written caused distress and asked officers to consider the following recommendations:</p>

<p>addressing issues raised about their neighbours relating to their alleged cannabis smoking.</p>	<p><u>Panel Recommendations</u></p> <ul style="list-style-type: none"> • The format and wording of the community protection written warnings should strike a more appropriate balance between the statutory purpose of the notices, and the possible distress caused by their receipt. Consideration should be made as to whether explanatory information should be provided to accompany (or as a preliminary warning of) the written warning. • In light of the Panel’s comment about the wording of the written warning, we recommend that the Council review the wording of the particular written warning which was issued to the complainant <p>The Director accepted the recommendations, and a review was taken of the community protection warning letters to provide more of a balance in the language used.</p>
<p>Comp-23-046 Panel – 08/09/23</p> <p>The complaint related to the complainant’s view that a Children’s Conference held in May 2023 was not undertaken correctly that the Council Officers did not take their concerns seriously enough as incorrect information was discussed, minutes were not correctly taken, safety plans were not issued, the advocate was not invited, and it was felt the meeting was not quorate.</p>	<p>The Panel found that there was clearly a difference in views of the family and officers on a number of factual matters discussed during the conference held in May 2023. It was felt that due to a lack of clarity on these issues the Panel was unable to make a decision based on the differences of opinion. However, what was evident was that as the family did not have an opportunity to properly verify the minutes of the conference this led to the disputes in opinion at the children’s conference.</p> <p><u>Panel Recommendations</u></p> <ul style="list-style-type: none"> • The family should receive a written and unequivocal apology for the clearly distressing experience they had at the meeting. • The system for recording minutes of meetings be reviewed so that there is a consistent approach and a recognition that family input into the final approved minutes is necessary and valuable. If minutes are displayed contemporaneously the Panel believe that, at the end of the meeting, a paper copy should be provided, or they should be immediately emailed to the family for review. The Panel felt that the minutes should not be considered to be a final definitive version until comments from all interested parties have been invited, and any comments properly considered by the Chair. • The system of collating reports before meetings be reviewed so that, wherever possible, families receive the reports with ample time to read and consider them. If a report is awaited there should, in the Panel’s view, be a provision to remind the provider in good time before the hearing. Likewise, there should be a system to remind invitees who have not responded to a meeting invitation within a reasonable amount of time. • If reports are received so late that they have not been seen by families or indeed, professional attendees, participants should be given the opportunity to review the report before proceeding with the meeting, subject to limitations on reports which cannot be disclosed such as those from the police. <p><u>The Director of Children’s and Families accepted the recommendations and the following actions taken:</u></p> <p>The Executive Director for Children & Families wrote to the complainant on the 25/09/24 and offered an apology for the distressing experience the family had been through. Confirmation was provided that a review of the minute taking procedure was being undertaken, similarly a review of the procedures for collating reports will also be undertaken.</p>
<p>Comp-23-050 Panel – 06/12/23</p> <p>The complaint related to the complainant’s view that the Children’s Services had not sent a copy of their grandchild’s safety plan and communications with the</p>	<p>The Panel noted that it could not make any decisions on whether the grandchildren should be able to reside with the grandparents or be cared for by them again as these are matters which a court must decide on. However, the Panel did <u>UPHOLD</u> parts of the complaint related to council procedures. The panel found that the council had failed to provide evidence and information in a timely manner, and that there was no signed contract of expectations in place.</p>

Social Worker were inappropriate	<p><u>Panel Recommendations</u></p> <ul style="list-style-type: none"> the Council should put in place a procedure to ensure that, in all cases involving a contract of expectations, a signed copy of the contract should be provided to all relevant parties as soon as the contract has been agreed; in exceptional circumstances when this cannot take place, the contract should be emailed to participants within 24 hours, and acknowledgement of receipt obtained. The complainants should consider making a data subject access request to the Council for the case notes of the contract of expectations meeting. Given the comments of the complainants, the Council should consider whether it is now appropriate to arrange for a different social worker to be assigned to this case, as the previous court proceedings have concluded. <p><u>The Director of Children's and Families accepted the recommendations and the following actions taken:</u></p> <p>The Executive Director for Children & Families wrote to the complainant on the 09/01/2024 in which it was agreed that if families are being expected to 'sign up' to specific items within a safety plan then they must be provided with a copy of the plan as soon as possible. Information was provided to the complainant if they wish to make a subject access request. Careful consideration was made into the changing of the Social Worker, and it was not felt to be in the best interests of the children to do so, as the social worker has been involved with the children for a very long time and is attuned to their needs.</p>
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3.6 Ombudsman Activity

The annual review letter from the Ombudsman received on the 17th July 2024, listed 27 complaints received for the year ending 31 March 2024. These are complaints where the individual remains dissatisfied with the Council's responses or where they have taken their complaint direct to the Ombudsman at an earlier stage. This highlighted that of the 27 complaints looked at over the year, 23 resulted in no further action being taken as, at the preliminary stage, there was no fault found by the Council. The remaining 4 cases resulted in a detailed investigation where the Ombudsman found that 1 complaint was not upheld, and 3 complaints were upheld. Based on this information the number of upheld decisions per 100,000 residents is 2.2, which compared favourably to the average for authorities of our size of 4.6 upheld decisions per 100,000 residents.

The table below illustrates the current figures ending 31 March 2023 compared to previous years activity.

For Year ending 31 March	Complaints made to LGO	Investigated	Upheld	Not Upheld
2024	27	4	3	1
2023	25	11	11	0
2022	30	6	5	1
2021	16	7	5	2
2020	31	4	1	3
2019	28	10	5	5

3.7 Benchmarking within the Tees Valley area, we can see some consistency with neighbouring Councils:

	Investigations	Upheld	Not Upheld	Number upheld by 100,000 Residents
Redcar	4	3	1	2.2
Darlington	9	8	1	7.3
Hartlepool	2	2	0	2.1
Middlesbrough	5	3	2	2
Stockton	13	8	5	4
National Average				4.6

3.8 Upheld Complaints

During an Ombudsman investigation, the Council is required to fully cooperate by providing answers to questions, providing supporting evidence, providing documents and policies and to explain any rationale behind decisions. The Ombudsman will take a decision based on their investigation and suggest a remedy where this is appropriate. The details of most complaints are anonymised and published on the Ombudsman website. Below is a summary of the 3 complaints that have been upheld this year:

22015671 (Children and Families) - Mrs X complained the Council failed to consider a complaint about its actions and record-keeping in child protection matters. She also complains about the Council's decision not to provide a financial remedy at the outcome of a previous complaint. We have found the Council at fault for not properly considering the review panel's recommendation or explaining its decision. However, the remedy the Council now proposes addresses the injustice caused. We have not found the Council at fault for not investigating a further complaint from Mrs X.

In review of this complaint the Council agreed that stronger consideration should have been made to address the financial remedy which was paid to Mrs X's child within the LGO's timescales.

22012399 (Children and Families) - We find the Council at fault for failing to consider Ms X's request for reasonable adjustments and for failing to discuss possible reasonable adjustments when Ms X told officers she had dyslexia. We recommend the Council apologise to Ms X, consider how it communicates with her going forward, and acts to prevent recurrence.

In learning from this complaint, it was found that although reasonable adjustments were made in communication with the complainant, an initial assessment was not documented and recorded. This has now been remedied as an assessment form is now completed of any reasonable adjustments and a record is placed on the case file.

23001561 (Adults) - Mr B complained the Council delayed in removing a legal charge from his late mother's property which delayed the sale and caused him extra costs. We found the Council was at fault for not removing the charge in the summer of 2022. It has agreed to pay Mr B £400.

To prevent re-occurrence of this complaint, a procedure was put in place between the Financial Assessment team, Accounts payable and Legal where notification would be made at the earliest opportunity to have a legal charge removed when full payment of care fees have been made.

3.9 Compliance

During the reporting period it is noted that the Council were 100% compliant in implementing the LGO's recommendations. However, in two cases the Council did not complete the recommended actions within the time scales requested by the LGO. The first case was due to a three-day delay in informing the LGO that an urgent review of a disabled man's care and support plan had been undertaken, an apology was provided to both the complainant and the LGO. The second case was a delay in finding an adequate permanent residential placement for a disabled child with very complex needs. The delay

was due to the care provision not being available in the local market. In learning from this complaint, and to meet future care needs in this area, several different options have been explored and developed which include the purchase of properties for use as bespoke Ofsted registered care homes and the purchase of additional properties for conversion to Children's homes.

4 What are the risks and resource implications?

4.1 Type of Risk / Implication	Details
Climate Emergency Impact	There is no specific impact arising from this report.
Health and Safety	There are no direct implications from this report on Health and Safety.
Social Value	An effective complaints system is one which helps an organisation to learn. The oversight and governance of complaints and working with Ombudsman Investigators to remedy any maladministration, provides an opportunity to contribute to Business Improvement.
Legal	Corporate complaints processing is not a statutory function, but it is good practice, and a policy of the Council incorporated in the Constitution. It is a requirement to work with the Local Government and Social Care Ombudsman to address dissatisfaction.
Financial	There are no direct implications from this report on financial resources.
Human Resources	There are no direct implications from this report on Human Resources.
Equality and Diversity	There are no direct implications from this report on equality and diversity.
Other	None

5 Who has been consulted and engaged?

This report is based on the Annual Letter received from the LGO, the Resources Directorate Management Team and Executive Management Team have been consulted in this report and support the commitment and continuous improvement of corporate complaints management.

6 Appendices and further information

6.1 Appendix 1 – Local Government & Social Care Ombudsman Annual Review Letter 2024.

7 Background Papers

7.1 No further background papers were used in writing this report.

8 Contact Officer

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