



Report to The Standards and General Purposes Committee

Date: 24 August 2023

Title: Complaints and Improvements Annual Report and Ombudsman Update

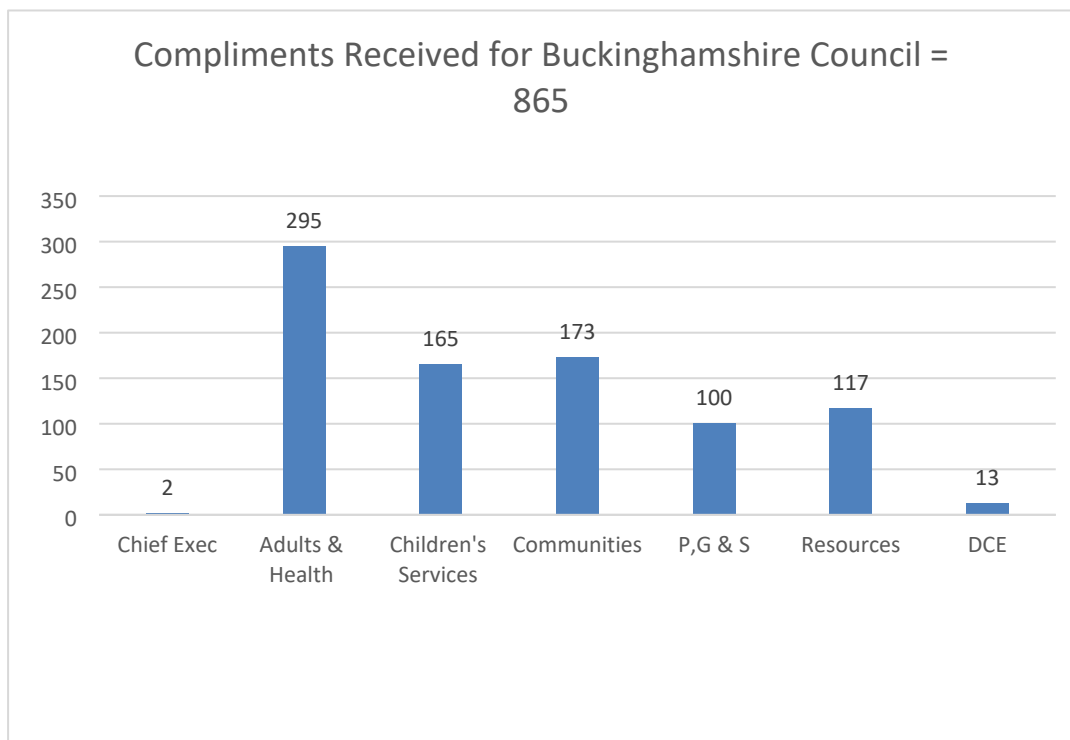
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Recommendations: This report is presented for consideration by the Committee and once signed off will be published on the Council's website as is required.

1. Background

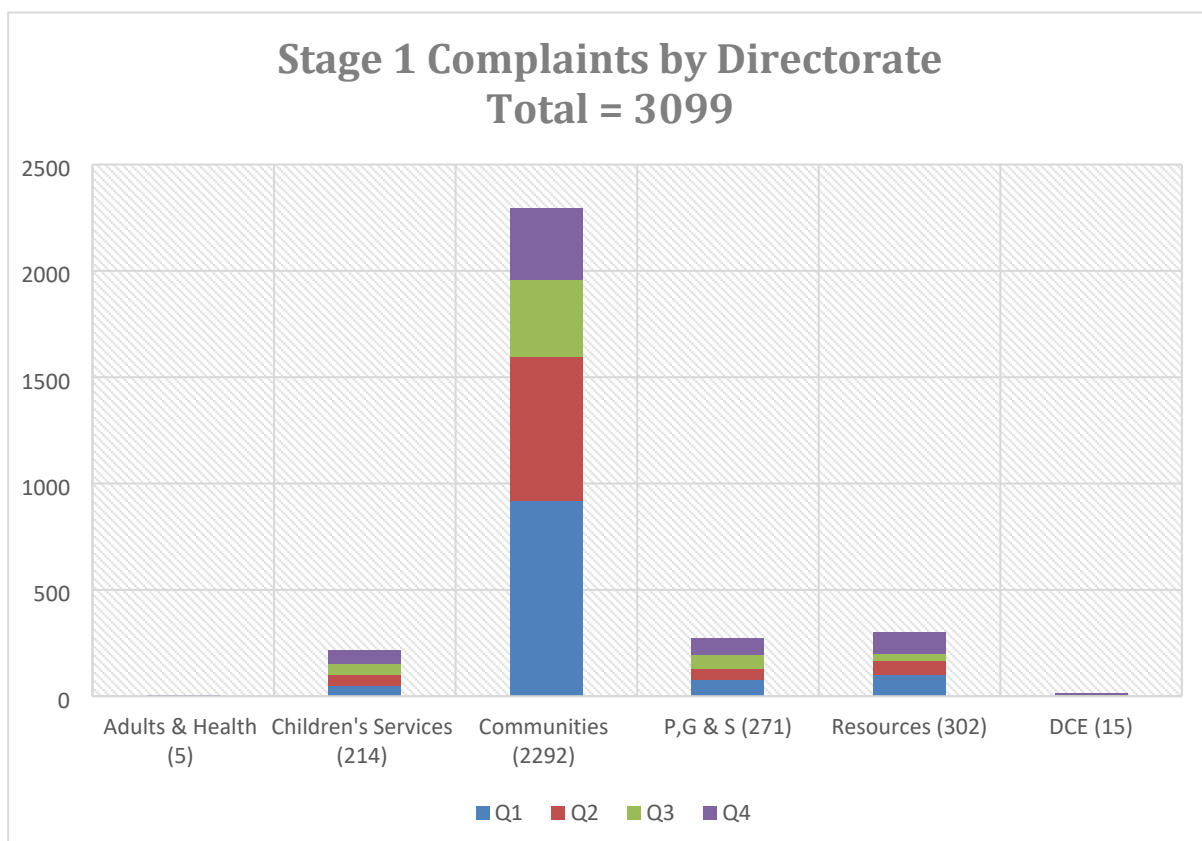
- 1.1 This is the third annual report for Buckinghamshire Council and gives a summary of the Council's complaints and compliments. The report also includes a summary of the Local Government and Social Care Ombudsman's annual review of complaints.
- 1.2 The information contained in this report is for the period 1 April 2022 to 31 March 2023.
- 1.3 The first part of the report, points one to eight, cover complaints received by the Council that have been managed through the corporate complaints process and the two statutory processes for Adult and Children's Social Care.
- 1.4 From point eight onwards discussion moves to the Local Government and Social Care Ombudsman annual review of complaints they have received about the Council.
- 1.5 Appendix 1 is the Ombudsman's annual review letter sent to the Chief Executive each year.

2. Compliments

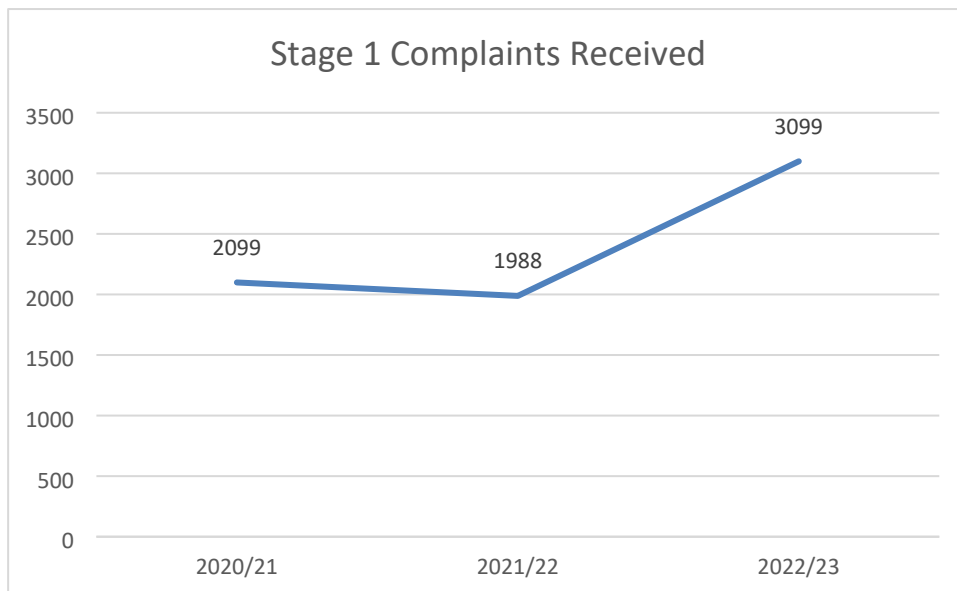


- 2.1 The above graph shows the number of compliments received by each directorate. The overall total is less than the amount for 2021/22 which was 912.
- 2.2 Adults and Health have received the highest number of compliments and the majority of these are from customers who are grateful for the good service they have received from the Social Care and Occupational Therapy Teams.
- 2.3 Children's Services also have a relatively high number of compliments, and these are spread mainly across SEND (100) and the various teams in Social Care. Some compliments are from schools about the work done by SEND and others are from parents thanking the teams for their support.
- 2.4 Communities also have a relatively high number of compliments with the majority of these being for Waste and Recycling (North and South Teams) as well as some for Transport for Buckinghamshire.
- 2.5 The majority of compliments for Planning, Growth and Sustainability are for Housing and Planning.
- 2.6 Resources compliments are split between Business Operations, the Customer Service Centre and the Blue Badge Team. In addition, a number were received for Revenues and Benefits.

3. Stage 1 Corporate Complaints



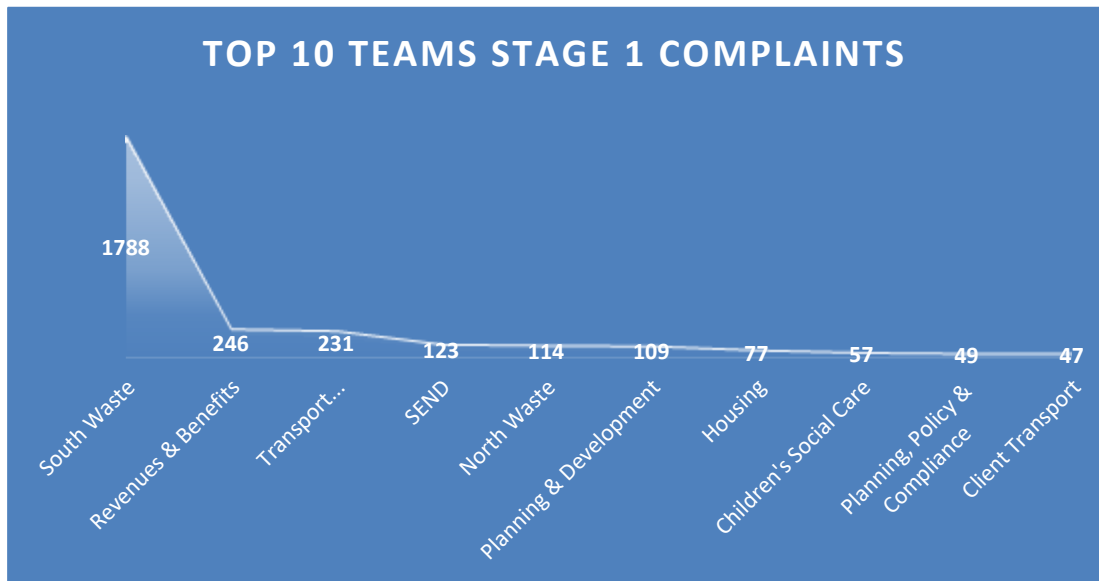
- 3.1 The graph above shows the stage 1 corporate complaints received by directorate. 3099 cases were seen at stage 1 of the complaints process with a further 500 contacts made with the Complaints and Improvements Team that were dealt with outside the complaints process.
- 3.2 The Council experienced a large increase in the number of stage 1 complaints due to issues experienced by residents following the round reorganisation for Southern Waste during May/June 2022. When these 1788 complaints are removed the total number of complaints received reduces the number to 1311 complaints received for the other areas of the Council. As a comparator for 2021/22 the corresponding figure was 1129.
- 3.3 The graph below shows the number of stage 1 complaints received since the inception of Buckinghamshire Council.



- 3.4 April to June (Q1) was the busiest period for complaints with the total number received at 1148. This is followed by July to September (Q2) at 854. For the last two quarters of the year when the totals were 514 and 583 respectively.
- 3.5 The highest number of complaints was for Communities for the second year in a row and specifically for the South Waste Team who received 1788 stage 1 complaints for the year which is more than double the amount received during 2021/22. The reason for the increase particularly in the first half of the year was the round reorganisation for South Waste which caused more customers to make complaints about various aspects of their collection cycle, missed bin collections was the underlying problem here. To provide some context in the south of the county the Waste and Recycling Service deal with approximately 97,000 collections each day.
- 3.6 The second highest directorate for complaints was Resources with a total of 302 which is more than the total for 2021/22 of 176. Of the total for this year 246 were for Revenues and Benefits. There was a system upgrade during quarter 2 and quarter 3 which led to an increase in complaints predominantly in quarter 4. For context we issue 23500 council tax bills and 15500 business rates bills in a year.
- 3.7 Planning, Growth and Sustainability (P,G&S) were the third highest for complaints with 271 which is only 4 more than 2021/22. 77 of these complaints were for Housing and 109 were for Planning and Development. It is helpful to note that the Council received 6,472 planning applications for 2022/23 and that the total number of decisions made during this period was 5,793.
- 3.8 Children's Services had a total of 214 complaints during 2022/23 which is a little less than 2021/22 figure of 229. SEND had 123 stage 1 complaints compared to 129 for 2021/22 and for context during 2022/23 the number of Education, Health & Care Plans maintained by Buckinghamshire increased by 10% (for the second year in a row) to 6034. Children's Social Care had 57 corporate complaints and this is in

addition to the statutory complaints received and documented in section 5 of this document.

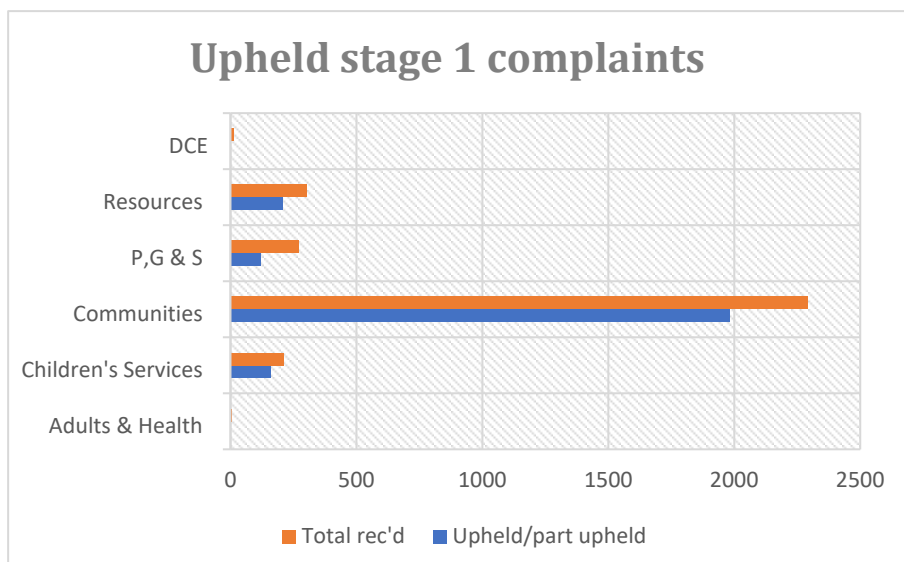
3.9 The graph below shows the ten teams with the highest number of complaints for 2022/23.



3.10 Where a complaint takes longer than 20 working days to answer the Complaints and Improvements Team will write to the complainant and explain that there is a delay. For 2022/23 62% of stage 1 complaints were responded to within the timeframe. The overall average response time was 25 days.

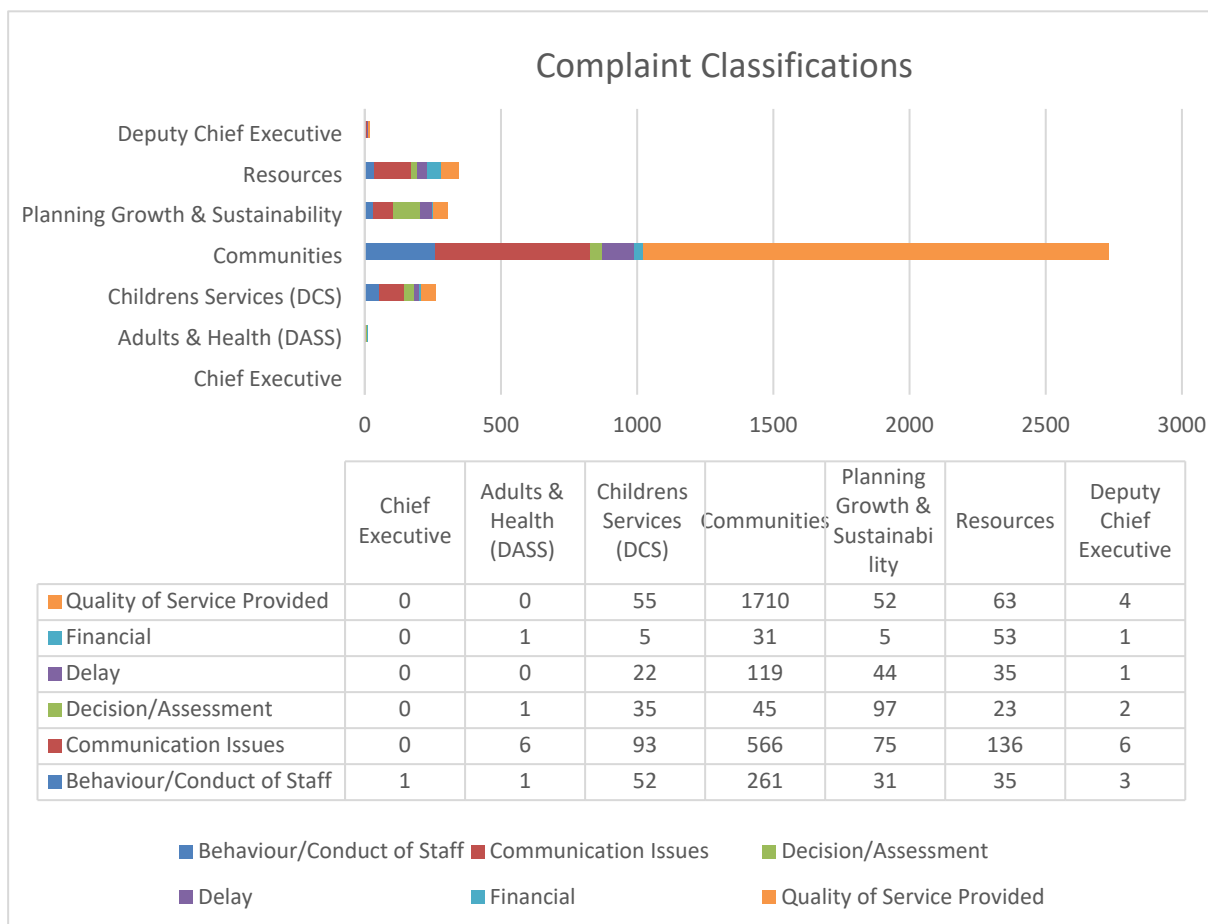
3.11 78% of stage 1 complaints were upheld or partially upheld. The largest number of these was for Communities again a reflection of the problems encountered by South Waste in the first half of the year.

3.12 The following graph shows upheld and partially upheld complaints compared to the number of complaints received by directorate.



4. Themes From Complaints

4.1 Below is a table showing the top six reasons for complaints broken down by directorate.



4.2 Communities had 1710 cases recorded as complaints about the quality of service provided. The majority of these relate to the round reorganisation as mentioned in 3.4 of this report. Communication also features for Communities and again there were communication problems related to the round reorganisation also. There were also over 200 staff conduct issues for Waste.

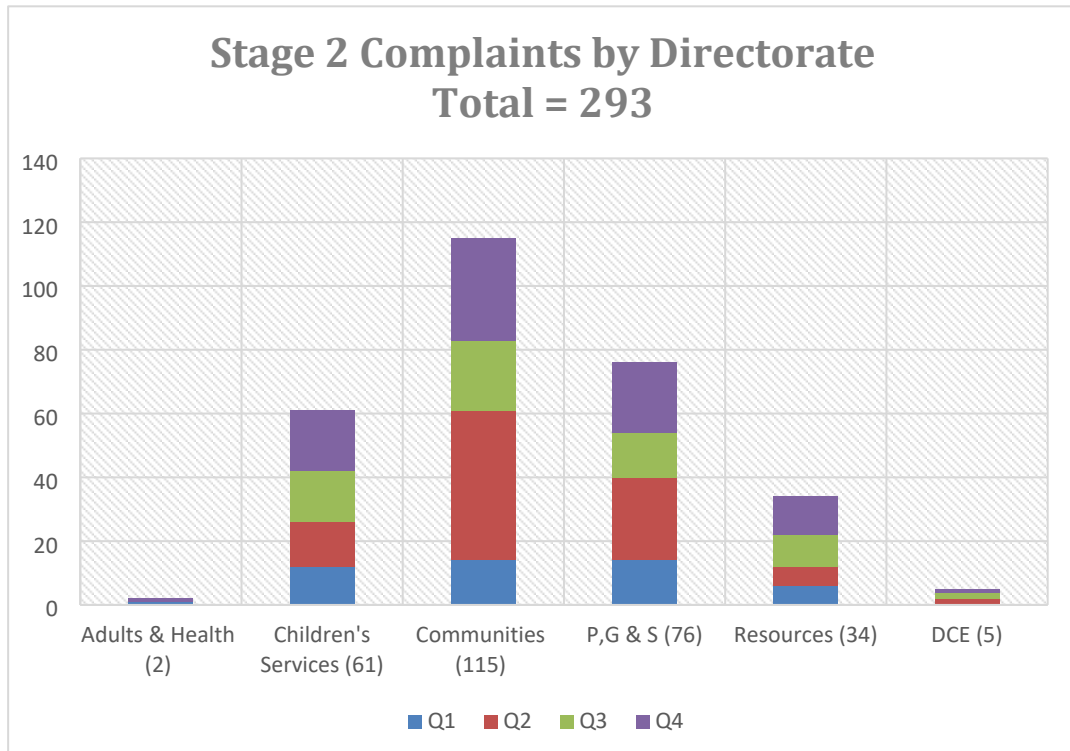
4.3 Approximately 23% of all complaints were about communication. The majority will be complaints about a lack of response but there are also some about staff rudeness and non-clarity in communications.

4.4 Quality of service, as mentioned above, made up 48% of complaints. Apart from the waste issues already mentioned, this includes complaints about road resurfacing and repairs and in all other directorates customer concerns that their expectations and standards have not been met.

4.5 10% of complaints were about staff conduct, 187 (48%) of these were upheld. Apart from that mentioned in 4.2 above TfB, Housing & Regulatory Services, Customer Service Centre, Revenues and Benefits feature in this.

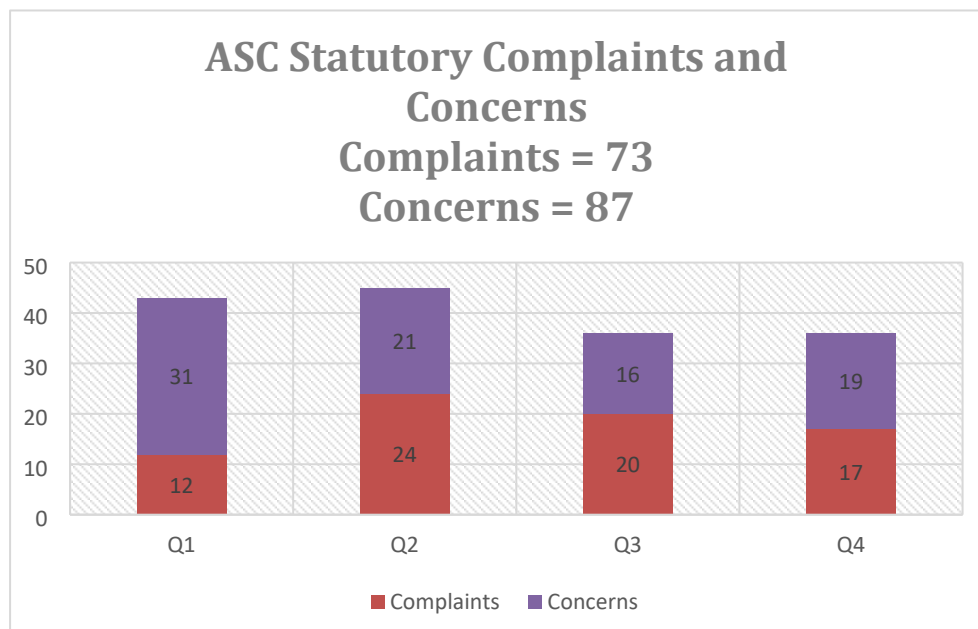
4.6 7% of cases were about delay. This could be about delay in assessments, in planning applications, delay in putting something right (e.g., filling a pothole).

5. Stage 2 Corporate Complaints



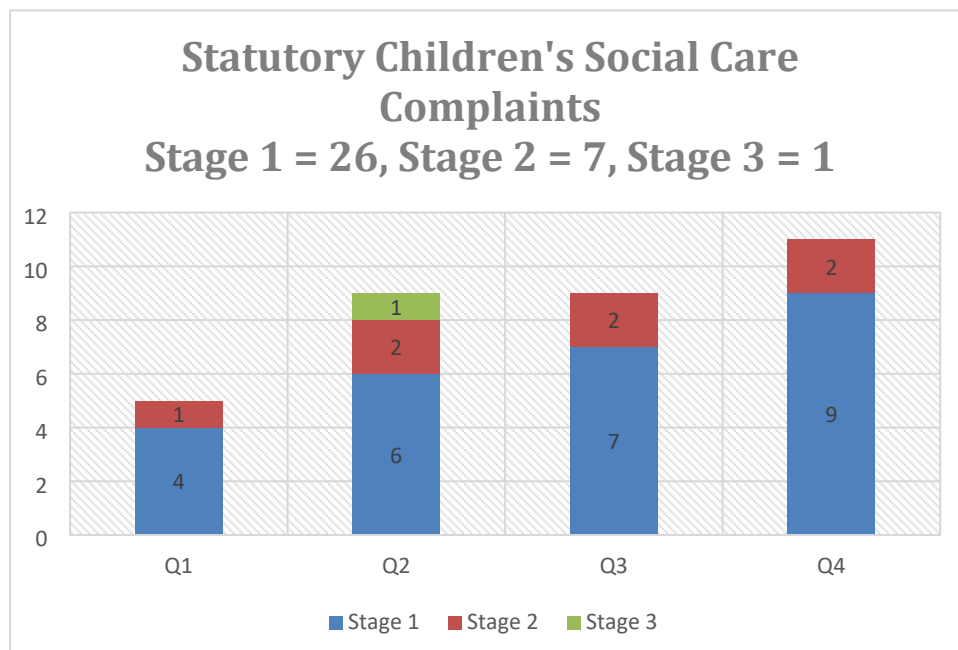
- 5.1 Stage 2 of the corporate complaints process involves an in-depth review of the stage 1 response carried out by stage 2 officers who work within the Complaints and Improvements Team.
- 5.2 The graph above shows the stage 2 corporate complaints received by directorate. 293 cases were seen at this stage compared to 186 for 2021/22. The escalation rate from stage 1 to stage 2 is therefore 9.5% which is in keeping with the previous year's rate.
- 5.3 July to September (Q1) saw the highest number of stage 2 complaints (95) with January to March (Q4) following closely (87). This follows with the pattern of stage 1 complaints, particularly for the south waste team, being high in Q1 and Q2.
- 5.4 The increase was mainly due to more stage 2 complaints for Communities, P,G&S and Resources.
- 5.5 The average response times for Stage 2 Corporate Complaints 32 working days which compares to 42 for 2021/22.

6. Adult Social Care Complaints



- 6.1 The ASC statutory complaints process is a one stage process that encourages local resolution to resolve issues within 48 hours. The complaints process usually begins once the Concern Stage has been exhausted.
- 6.2 The complaint numbers have increased, whilst the concerns resolved informally have decreased. This is due to the increased volume of complaints which relate to funding decisions (e.g., previous self-funding care home residents who wish to remain in a more expensive placement), which are more appropriate to be considered through formal processes.
- 6.3 The graph above shows 73 ASC statutory complaints were received during the year which is more than 2021/22 when there were 49 were dealt with. The pre-complaint stage is called the Concern Stage, during which, if agreed with the complainant, the service area has 48 hours to resolve issues informally. During the year we dealt with 87 concerns compared with 105 for the previous year.
- 6.4 Whilst the statutory timescale allows up to six months to issue a final response to the complaint, the Council has set a local standard of 28 calendar days during which time most complaints are expected to be resolved.
- 6.5 The average response time for 2022/23 was 26 days compared to 28 days in 2021/22.

7. Children's Social Care Statutory Complaints



- 7.1 The Children's Statutory Complaints process has 3 stages. Stage 1 is the local resolution stage and involves the service responding in writing to the complaint. Stage 2 is an independent investigation of the complaint which is carried out externally. The resulting report feeds into the formal response which is completed by the relevant Service Director. Stage 3 is an independent review panel.
- 7.2 The graph above shows that there were 26 (46) cases received at stage 1 of the process, 7 (13) cases were considered at stage 2 and 1 (3) at stage 3. The previous year's figures are shown in brackets.
- 7.3 These numbers are more in line with cases received in 2020/21 (2 years ago). There does not appear to be one reason for the drop in numbers from 2021/22 and so could just be coincidental.
- 7.4 Stage 1 of the Children's Statutory Complaints Process has a target of 10 working days, but this can be extended to 20 working days in certain circumstances; usually where the complaint is complex.
- 7.5 The average response time for responding to a stage 1 complaint for 2022/23 was 31 working days. This compares to 20 working days in 2021/22.

8. Benchmarking

8.1 In order to understand the true context of the numbers of complaints received feedback and benchmarking data has been provided by two other unitary councils.

8.2 The table below shows the number of stage 1 and 2 corporate complaints have been received by each council. It should be noted that Wiltshire have not yet prepared their annual report and so the figures shown below are for 2021/22 and so are not a direct comparison.

Authority (population)	Year	Stage 1	Stage 2	Points to be noted
Cornwall (565,968)	2022/23	1039	152	Excludes highways
Wiltshire (498,064)	2021/22	370 + 1328 contacts resolved informally	75	Stage 1 has an informal, pre complaints stage which allows services to resolve matters informally
Buckinghamshire (553,078)	2022/23	3099	293	
Shropshire (323,606)	2021/22	1453	99	

8.3 It is important to note that the triage and categorisation of complaints varies between the councils and the differences could be due, at least in part, to the emphasis being placed on triaging and resolving complaints as service requests.

9. Local Government and Social Care Ombudsman Annual Review

- 9.1 Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Letter for each council. The letter relates to the complaints made to the LGSCO about the Council in the previous financial year. This section is an update for the Committee on this area of governance for the year 2022/23, reflecting on those complaints that were considered by the Ombudsman up to 31 March 2023.
- 9.2 The data and information contained in this report is regarding complaints that may have fallen in the previous two years. It should be noted that in 2022/23 the Ombudsman changed their investigation processes, which has contributed towards an increase in the average uphold rate across all complaints. The main change is how they are deciding which cases to investigate the Ombudsman says in his annual review letter (appendix A) 'We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.'
- 9.3 During 2022/23 the LGSCO received 15488 complaints and enquiries from all authorities. A higher number of complaints were upheld against the Council during 2022/23 than in 2021/22 (31 as opposed to 29).
- 9.4 The Council's rate of cases upheld following detailed investigation by the LGSCO is 79%. This compares with an average of 72% for similar authorities. There were 39 detailed investigations out of the 135 decisions made. Looking at this figure gives us an overall upheld rate of 22%. It should be noted that cases where the Ombudsman has given an upheld outcome these cases may have already been upheld and remedied by the Council in our complaints process before being reviewed by the Ombudsman.
- 9.5 The Ombudsman issued 38 published reports but for the third year in a row there were no published reports for the Council.
- 9.6 For the second year Buckinghamshire Council was 100% compliant with the LGSCO recommendations for remedies.
- 9.7 Buckinghamshire Council has successfully completed the remedies before the complaint had reached the Ombudsman in 13% of cases which is the same as the average in similar authorities.

10. Purpose of the Ombudsman's Annual Letter

- 10.1 Under the Local Government Act 1974, the LGSCO has two main statutory functions:
- To investigate complaints against councils
 - To provide advice and guidance on good administrative practice

10.2 The LGSCO records the following:

- Complaints and enquiries received by subject area
- Decisions made

10.3 These categories can be found in the Annual Review Letter, the purpose of which is to inform councils and other authorities of the number of complaints the LGSCO has dealt with regarding that authority as well as the nature of those complaints.

11. Summary of Complaints and Enquiries Received by the LGSCO

11.1

LG&SCO Category	Number of Decisions 2021/22	Number of Decisions 2022/23
Adult Care Services	13	11
Benefits & Tax	9	8
Corporate & Other Services	12	4
Education & Child Services	45	45
Environmental Services & Public Protection & Regulation	15	25
Highways & Transport	12	6
Housing	13	4
Planning & Development	30	30
Other	1	2
Total	150	135

11.2 In line with the national trend the highest numbers of complaints received by the LGSCO about the Council was for Education and Child Services.

11.3 The following table shows the complaints by outcome and by services (as defined by the LGSCO).

12.

2022/23 Decision Classification	Outcomes for 2022/23 (2021/22 in brackets)		Services and numbers of Complaints in brackets	Comments
Upheld	31	(29)	Adult Care (3) Benefits & Tax (3) Education & Children's (13) Environmental Serv Public Prot and Regulation (5)	Fault found by LGO. (NB The fault may have already been previously satisfactorily remedied by the Council.)

			Housing (1) Planning & Development (6)	
Not Upheld	8	(10)	Education & Children's (3) Planning & Development (4) Environmental Serv Public Prot and Regulation (1)	No fault found by LGO.
Advice given	6	(3)	Adult Care Services (1) Education & Children's Services (3) Other (2)	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
Closed after initial enquiries	64	(67)	Adult Care (6) Benefits & Tax (4) Corporate (4) Education & Children's (20) Environmental Serv Public Prot and Regulation (10) Highways & Transport (5) Housing (1) Planning & Development (14)	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found).
Incomplete/Invalid	2	(3)	Environmental Serv Public Prot and Regulation (1) Adult Care (1)	No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.
Referred back for local resolution	24	(38)	Benefits & Tax (1) Education & Children's (6) Environmental Serv Public Prot and Regulation (8) Highways & Transport (1) Housing (2) Planning & Development (6)	The Council is not aware of all these cases; however, we can assume that some were where the LGO told the complainant to contact the Council, but the complainant chose not to pursue the matter. In other cases, the LGO asked us to put the complaint through the relevant complaint procedure.
Total	135	(150)		

12.1 The highest number of cases upheld for Buckinghamshire Council were for Education and Children’s Services. This is in line with the national trend.

13. LGSCO Complaints Context and Benchmarking

13.1 The table below shows the number of complaints the Council has had over the last 2 years.

	2020/21	2021/22	2022/23
Corporate Complaints (Stage 1)	2099	1988	3099
Adults Statutory Complaints	44	49	73
Children Statutory Complaints (Stage 1)	28	46	26
LGSCO Decisions	104	150	135

13.2 The table shows that despite a significant increase in complaints the number of decisions/detailed investigations remains at a reasonable level.

13.3 Benchmarking with similar authorities.

Council	Satisfactory Remedy (Upheld Decisions)	Upheld Decisions
Cornwall (565,968)	4%	25
Wiltshire (498,064)	6%	18
Shropshire (323,606)	19%	16
Buckinghamshire (553,078)	13%	31

13.4 The above table compares upheld and remedy rates for similar authorities also giving population for context.

13.5 Satisfactory remedy is when the council offers what is considered by the LGSCO to be a satisfactory remedy for the complaint. The average satisfaction rate for similar (unitary) councils is 13%. The Complaints and Improvements Team use the Ombudsman’s guidance when suggesting remedies at stage 2 of the complaints process.

14. Conclusion

- 14.1 In his annual review report the Ombudsman notes the Council's responsibility to drive improvements through complaints and that they have recommended more service improvements during 2022/23 than ever before. In total there have been 2,412 focused on delivering policy change, procedure review or staff training.
- 14.2 As part of the Ombudsman's learning they issue Focus reports which we then consider when managing complaints. This year we saw such reports for children out of education, equalities and human rights and homelessness reduction.
- 14.3 Thirty-eight public interest reports were issued by the Ombudsman during 2022/23, none of these were for Buckinghamshire Council.
- 14.4 Education and Children's Services have the highest number of upheld complaints for the Ombudsman, and he notes that this is a continuously growing area that now makes up nearly a quarter (24%) of the LGSCO's workload, and sees the average uphold rate of complaints investigated tipping 84%.
- 14.5 The way the LGSCO triages cases has been changing over the last few years and they are looking at how best to manage their resource and increasing caseload. This has in turn lead to a higher uphold rate overall as they do not look at the more borderline cases. He notes, therefore, that comparing with previous year's holds a note of caution.

15. Next Steps and Review

- 15.1 Feedback is a key to our learning and talking with our customers and colleagues more is an underpinning principle of the initiative A Year of Conversation. It can lead to early resolution and more understanding about issues or concerns raised. The Complaints and Improvements Team will be building upon this work by encouraging colleagues to do this wherever possible and ensure that we lead by example.

16. Annual Review of the Corporate complaints Policy

- 16.1 The Monitoring Officer has requested that we review the corporate complaints policy and update any changes within the next month.

