

## North Yorkshire County Council

### Executive

8<sup>th</sup> December 2020

## Annual Report on Complaints and Compliments

### Report of the Chief Executive

#### 1.0 Purpose of report

- 1.1 To fulfil the statutory requirement to report on complaints received from the Local Government and Social Care Ombudsman and to provide information on compliments and complaints received by the Council during the year 2019/20.

#### 2.0 Background

- 2.1 This report provides an overview of performance in relation to complaints and includes the Local Government and Social Care Ombudsman annual letter to the Council, which is attached at Appendix 1,
- 2.2 The annual complaints report also supplements the details reported in the Quarterly Performance report to Executive.

#### 3.0 Local Government and Social Care Ombudsman

- 3.1 The annual letter from the Local Government and Social Care Ombudsman (LGSCO) was published on 29<sup>th</sup> July 2020. This is attached at Appendix 1.
- 3.2 The Ombudsman made only one comment in relation to North Yorkshire County Council, which was regarding a complaint where a public report was issued. A previously agreed remedy was for a new financial assessment for the care needs of a disabled adult, but, though started, this had not been completed. As soon as this was brought to our attention the assessment was completed and we offered remedy for added time and trouble, which the Ombudsman welcomed.
- 3.3 As a result of this case all agreed remedies will be closely monitored by complaints teams to ensure they are completed, with relevant evidence sent to the Ombudsman. Service improvements have also been identified, such as a more robust review of caseloads and progress by local team managers.
- 3.4 18 ombudsman complaints were upheld this year, though for four of these cases, no injustice was deemed to have been caused.
- 3.5 We continue to use information from complaints to identify service improvements. For example:
- Wording of the corporate complaints procedure amended to provide more clarity.
  - Teams of SEND specialists introduced to respond to complex cases
  - Improved controls and staff training in relation to the home to school transport appeals process and the introduction of more detailed letters in response to stage 1 appeals

	2019/20	2018/19	2017/18	2016/17	2015/16
<b>LGSCO investigations received</b>	48	52	55	54	59

2019/20 LGSCO Statistics	
Cases Received	
LGSCO investigations received	48
LGSCO cases rejected or referred back to NYCC for investigation	32
Compliance with LGSCO recommendations	100%
Decisions Made	
<b>Upheld</b>	
Upheld: maladministration and injustice	14
Upheld: maladministration, no injustice	4
<b>Not Upheld</b>	
Not upheld: no maladministration	8
Not upheld: no further action	2
<b>Closed after initial enquiries</b>	
Closed after initial enquiries – no further action	15
Closed after initial enquiries – out of jurisdiction	10
Not investigated	
Premature enquiries (not yet investigated by NYCC – referred back for local resolution)	27
Incomplete or invalid	5

#### 4.0 Commendations, Compliments and Stage 1-3 Complaints

##### 4.1 Summary

	2019/20	2018/19	2017/18	2016/17	2015/16
<b>Commendations received</b>	15	5	7	18	33
<b>Compliments received</b>	2510	2286	1866	2052	1620
<b>Stage 1-3 complaints received *</b>	1583	1289	1315	1151	974
<b>Adults Stage 1 complaints</b>	445	317	310	231	234
<b>Adults complaint reviews</b>	54	-	-	-	-
<b>Children's Stage 1 complaints</b>	76	84	134	164	113
<b>Children's Stage 2 complaints</b>	3	5	8	6	9
<b>Children's Stage 3 complaints</b>	1	3	0	1	4
<b>Corporate Stage 1 complaints</b>	1040	869	836	730	586
<b>Corporate Stage 2 complaints</b>	18	10	20	16	22
<b>Corporate Stage 3 complaints</b>	-	1	7	3	8
<b>Stage 1-3 dealt within timescales</b>	83%	81%	84%	71%	75%
<b>Stage 1-3 upheld or partly upheld</b>	39%	38%	35%	35%	41%

\*Please note that the three complaints procedures have different numbers of stages associated with them: adult social care, 1 formal stage and 1 complaint review (since Oct 19); children's social care, 3 stages; corporate, 2 stages (since Jan 18).

##### 4.2 Commendations and Compliments Root Causes and Teams

Root cause			Top Teams		
Cause	2019/20	2018/19	Team	2019/20	2018/19
Excellent service	66%	75%	Library/Customer/Community	38% (959)	31% (715)
Customer care	25%	17%	HAS Resources	27% (672)	31% (706)
			HAS Care & Support	11% (283)	14% (310)
			HAS Provider Services	7% (181)	6% (148)
			Waste and Countryside	5% (126)	6% (135)

4.3 Complaints Root Causes and Teams

Root cause			Top Teams		
Cause	2019/20	2018/19	Team	2019/20	2018/19
Service and care	31%	35%	Highways Operations	33% (523)	33% (427)
Disagree with decision	18%	12%	HAS Care & Support	18% (280)	19% (242)
Communication	16%	17%	Waste & Countryside	7% (102)	7% (90)
Environment	15%	14%	Network Strategy	5% (85)	4% (42)
Staffing	10%	10%	CYPS Safeguarding	5% (84)	7% (95)

4.4 Analysis

- 4.5 The number of commendations/compliments has fluctuated over time, though generally increasing, and there has again been an increase this year, of 224 cases, or 10%.
- 4.6 In general, the number of complaints received increases over time (which is expected against the background of greater need and expectations against less resources), with an increase of 609 complaints, or 63% over the last five years. Last year there was an increase of 294 complaints, or 23%, though in the previous year there was a drop of 2%.
- 4.7 The 'top teams' receiving cases are often those services that affect a large proportion of the population (e.g. highways), are very emotive (such as social care), or seek feedback (registrars). It can be seen for example HAS Care & Support receives higher numbers of complaints, but also compliments.
- 4.8 This year the percentage of stage 1-3 complaints completed within set timescales increased by 2% to 83%. This is an area where teams seek to improve and it can be seen that over time this has been the case.
- 4.9 The upheld rate has increased slightly to 39%, though is in line with previous years.
- 4.10 The number of complaints investigations received from the Local Government and Social Care Ombudsman has dropped over time to 48 (52 last year).
- 4.11 Root causes and teams receiving compliments remain the same as in 2018/19. There is a slight change for complaints root causes, where there has been an increase in complaints recorded as 'disagree with decision' this year.
- 4.12 No themes that would suggest particular areas of concern were identified.
- 4.13 There has been a change to procedure for statutory adults' cases this year. A 'complaint review' was introduced in October 2019, providing a process for complainants to raise any further concerns or appeals to their complaints. This is not a formal stage (regulations allow for only one stage) and so these cases are not included in stage1-3 figures in this report.

**5.0 Recommendation**

- 5.1 That the contents of this report be noted.

Richard Flinton  
Chief Executive

County Hall  
Northallerton  
23<sup>rd</sup> November 2020

Author of report – Dani Reeves  
Presenter of report – Councillor Greg White

# Local Government & Social Care OMBUDSMAN

22 July 2020

*By email*

Mr Flinton  
Chief Executive  
North Yorkshire County Council

Dear Mr Flinton

## **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

## **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things

right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued a public report about your Council and its failure to complete a financial assessment of the care needs of a disabled adult, despite stating it had visited the family to do this following an earlier investigation. The family were left unsure about any care costs it would have to pay. I had no alternative but to issue a report when the person's parent approached this office again to highlight the omission. I welcome the Council's willingness to immediately accept it was fault. It completed the outstanding financial assessment and offered the family a financial remedy to acknowledge the unnecessary time and trouble the family spent pursuing the complaint.

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we

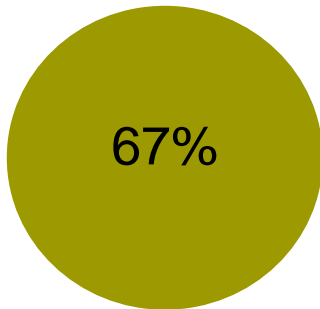
delivered last year and included more training to adult social care providers than ever before.  
To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



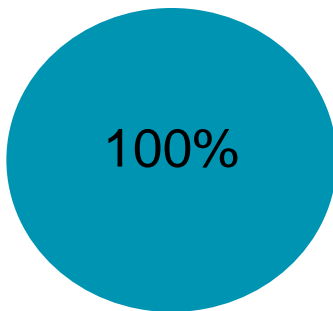
**67%** of complaints we investigated were upheld.

This compares to an average of **66%** in similar authorities.

**18**  
upheld decisions

Statistics are based on a total of 27 detailed investigations for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations



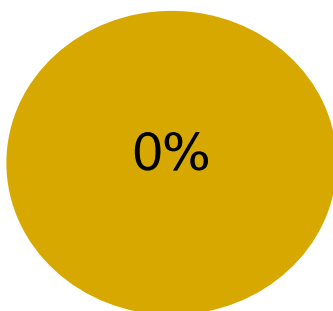
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 14 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **9%** in similar authorities.

**0**  
satisfactory remedy decisions

Statistics are based on a total of 27 detailed investigations for the period between 1 April 2019 to 31 March 2020

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