

# North Yorkshire County Council

## Executive

29<sup>th</sup> November 2022

### 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 2021/22.

#### **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 27<sup>th</sup> July 2022. This is attached at Appendix 1.
- 3.2 The number of cases received rose to 53 this year, though there were only 24 full investigations. This is in line with previous years (there was a slight dip in 2020/21 due to the Ombudsman's office closing for 3 months due to the Covid pandemic). We were 100% compliant in implementing investigation recommendations where fault was found.
- 3.3 24 decisions were made this year following investigation and 15 cases were upheld, though for two a satisfactory remedy had already been provided by the Council and for three cases there was no injustice caused. Further details on these cases can be found at Appendix 2.
- 3.4 One public report was issued. The main point of complaint was that we had failed to advise a service user in advance of a change in the way we assessed finances, which resulted in them becoming responsible for full care costs. The Council fully accepted all the recommendations set out in the Ombudsman's report and completed them. As part of that we reviewed this and similar cases (we identified six others); the outcomes remained the same.
- 3.5 We continue to use information from complaints to identify service improvements. For example:
- Reviewing practices and procedures to ensure best practice and/or prevention of future faults
  - Sharing best practice with staff and services
  - Staff training to improve performance and ensure good quality record keeping

	2021/22	2020/21	2019/20	2018/19	2017/18
<b>LGSCO cases received</b>	53	42	48	52	55

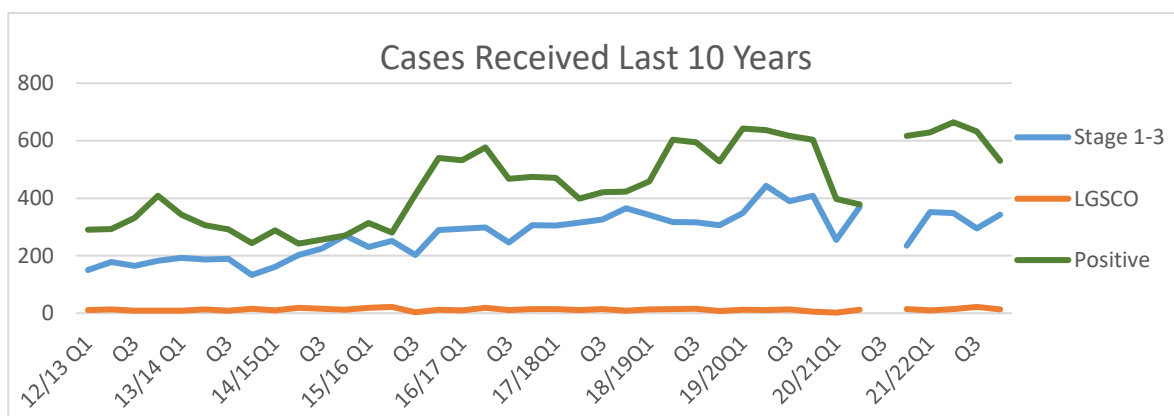
<b>LGSCO Decisions Made</b>	
<b>Upheld</b>	<b>15</b>
Report issued: Upheld: maladministration and injustice	1
Upheld: maladministration and injustice	9
Upheld: maladministration and injustice – no further action – satisfactory remedy provided by organisation before referral to ombudsman	2
Upheld: maladministration, no injustice	3
<b>Not Upheld</b>	<b>9</b>
Not upheld: no maladministration	9
<b>Closed after initial enquiries without full investigation</b>	<b>27</b>
Closed after initial enquiries – no further action	15
Closed after initial enquiries – out of jurisdiction	12
<b>Not investigated</b>	
Referred back for local resolution	19
Incomplete or invalid	2

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

##### 4.1 Summary

	2021/22	2020/21	2019/20	2018/19	2017/18
<b>Commendations received</b>	19	23	15	5	7
<b>Compliments received</b>	2436	1369	2510	2286	1866
<b>Stage 1-3 complaints received *</b>	1408	914	1583	1289	1315
<b>Adults Stage 1 complaints</b>	395	216	445	317	310
<b>Adults complaint reviews</b>	70	55	54	-	-
<b>Children’s Stage 1 complaints</b>	44	43	76	84	134
<b>Children’s Stage 2 complaints</b>	3	4	3	5	8
<b>Children’s Stage 3 complaints</b>	2	3	1	3	0
<b>Corporate Stage 1 complaints</b>	874	575	1040	869	836
<b>Corporate Stage 2 complaints</b>	20	18	18	10	20
<b>Corporate Stage 3 complaints</b>	-	-	-	1	7
<b>Stage 1-3 dealt within timescales</b>	79%	84%	83%	81%	84%
<b>Stage 1-3 upheld or partly upheld</b>	44%	38%	39%	38%	35%

\*Please note 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). Due to a system fault, numbers for 2020/21 are for three quarters only.



## 4.2 Complaints Root Causes and Teams

Top Root cause		
Cause	2021/22	2020/21
Service and care	26%	26%
Disagree with decision	22%	20%
Communication	19%	15%
Environment	13%	12%
Staffing	9%	8%

Top Teams		
Team	2021/22	2020/21
Highways Operations	29% (384)	31% (329)
HAS Care & Support	18% (243)	15% (154)
Inclusion	8% (113)	4% (44)
Waste & Countryside	8% (113)	10% (106)
CYPS Safeguarding	5% (66)	6% (58)

## 4.3 Analysis

- 4.4 The Council recognises that complaints give the opportunity to learn from instances where our services have fallen short of our usual standards. Where a fault has been found requiring action, those actions are monitored until completion and learning is shared as appropriate to prevent future occurrences.
- 4.5 Complaints are becoming more complex and time consuming and due to pressure on resources, officers ensure that complaints are only accepted and investigated where they fall within prescribed guidelines and better quality responses are being provided to customers. It can be seen that the majority of complaints do not escalate through to next stages: 1313 x stage 1; 93 x stage 2 or complaint review; and 2 x stage 3. There were 24 ombudsman decisions following investigation.
- 4.6 Any comparison to 2020/21 should take account of the fact that, due to a system fault, figures for only three quarters were captured for that year.
- 4.7 The number of complaints received from the Local Government and Social Care Ombudsman has increased to 53 (42 last year), which is in line with statistics before the Covid pandemic, during which time the Ombudsman suspended their investigations for a short time.
- 4.8 The number of commendations/compliments has fluctuated over time, though there has been an overall increase. (The drop in positive contacts in 2020/21 were mostly due to the suspension of registration services in 2020, in particular weddings, due to Covid-19.)
- 4.9 The number of stage one to three complaints received has also shown an upward trend over time (the dip in 2020/21 was due to Covid-19), which is to be expected against the background of greater need/expectations against fewer resources.
- 4.10 The 'top teams' receiving complaints are often those services that affect a large proportion of the population (e.g. highways) or are very emotive (such as social care).
- 4.11 This year the percentage of stage 1-3 complaints completed within set timescales dropped to 79%. The main area where cases do go over time is in the statutory children's complaints

procedure, where case are generally very complex, often involving multiple teams or organisations and include external investigators and independent people and panels.

- 4.12 The upheld rate has increased to 44%.
- 4.13 Root causes have returned to a similar pattern to that experienced before the Covid-19 pandemic.
- 4.14 There was an increase in the number of complaints in Inclusion. The main cause was where we experienced delays in producing Education Health and Care Plans, due to a national shortage of Educational Psychologists. We have taken action to overcome this problem and this issue has been resolved.

## **5.0 Recommendation**

- 5.1 That the contents of this report be noted.

Richard Flinton  
Chief Executive

County Hall  
Northallerton  
14<sup>th</sup> October 2022

Author of report – Dani Reeves  
Presenter of report – Councillor David Chance

Background Papers – None

Appendices:  
Appendix 1 – Annual Review Letter 2022  
Appendix 2 – Summary of Ombudsman Investigations