

FINANCE AND POLICY COMMITTEE

21st November 2022



Report of: Monitoring Officer

Subject: CORPORATE COMPLAINTS MONITORING REPORT FOR 2021/22

1. TYPE OF DECISION/APPLICABLE CATEGORY

For information only in accordance with s 5 of the Local Government and Housing Act 1989 (LGHA 1989).

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to inform Finance and Policy Committee of the 2021/22 outturn position in relation to corporate complaints and those considered by the Local Government Social Care Ombudsman (LGSCO).

3. BACKGROUND

- 3.1 Section 5 / 5A of the LGHA 1989 requires the Monitoring Officer to report to elected members on LGSCO decisions. This report fulfils that requirement.
- 3.2 In addition to the legislative requirements, the Council's Corporate Complaints, Comments and Compliments Policy includes a requirement to report to elected members on the number of complaints received by the Council along with the final outcome of those complaints. This report outlines the complaints received in 2021/22.
- 3.3 There are some complaints that the Council receives that are considered outside of the corporate complaints policy. This includes those that are required to follow statutory complaints processes for adult social care, children's social care and public health. Separate annual reports are prepared for these and have been shared with the relevant policy committee as follows:
- Annual Report of Adult Social Care Complaints and Compliments 1 April 2021 – 31 March 2022, Adults and Community Based Services on 28th July 2022;

- Annual Report of Children's Social Care Complaints and Compliments 1 April 2021 – 31 March 2022, Children's Services Committee on 6th September 2022 (includes Public Health).

4. SUMMARY OF PROGRESS –CORPORATE COMPLAINTS 2021/22

4.1

Year	Number of complaints received	Number upheld or partially upheld	Percentage upheld or partially upheld
2021/22	12	4	33%
2020/21	7	3	43%

During 2021/22 there was an increase in the number of corporate complaints received in comparison with the previous year. However the low number in 2020/21 was most likely due to the effects of COVID. The position will continue to be monitored over the next 12 months.

- 4.2 **Tables 1 to 3 in Appendix 1** set out further information on the corporate complaints received during 2021/22.

5. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) – ANNUAL REVIEW LETTER 2022

- 5.1 The LGSCO Annual Review 2022 Letter sets out the annual statistics on complaints made to the LGSCO about Hartlepool Borough Council (HBC) for the year ending 31 March 2022. The data shows both the complaints and the enquiries that the LGSCO has recorded along with any decisions they have made.

- 5.2 In summary:

- In 2021/22 the LGSCO received 25 complaints or enquiries about HBC, which is an increase of 9 on the previous year. However the low number in 2020/21 was most likely due to the effects of COVID.
- The LGSCO made decisions on these complaints or enquiries during 2021/22 and the outcomes were:

Decision	Number
Incomplete/Invalid	0
Advice given	0
Referred back for local resolution	5
Closed after initial enquiries	15
Detailed investigation	4
Total	25

Please note the number of complaint enquiries the LGSCO received during the year does not match the number of decisions made as not all complaints investigations were completed within the same year.

- Of the 5 complaints subject to detailed investigation, 4 were not upheld and 1 was upheld by the LGSCO – further detail is provided in **Table 4 in Appendix 1**.
- The uphold rate of 20% of those investigated in 2021/22 is lower than last year but the numbers are very small with only 5 complaints undergoing a detailed investigation.
- There have been 11 complaints upheld or partly upheld in the last 5 years out of a total number of 29 complaints received by the LGSCO. This represents an uphold rate of 38% of the total number received over a 5 year period. Further details are provided in **Appendix 1 Table 5 and Table 6**.
- The uphold rate across similar authorities in 2021/22 is 64% meaning that our performance is well above average.
- As in previous years Hartlepool Borough Council has the lowest upheld rate across the North East at 20% with the other 11 authorities ranging between a 25% and 83% uphold rate.
- This confirms that the HBC Corporate Complaints procedure is robust and the LGSCO only find fault in a small number of cases, many of which reflect those that the Council has already found fault with through our own complaint investigation.

6. CURRENT POSITION OF PERSISTENT & VEXATIOUS RESIDENTS

- 6.1 At present there are two residents on restricted contact with the Local Authority through the Unreasonable Customer Behaviour Policy.

7. LEGAL CONSIDERATIONS

- 7.1 This is a report of the Monitoring Officer in accordance with Section 5 / 5A of the Local Government and Housing Act which requires the Monitoring Officer to report to elected members on LGSCO decisions.

8. OTHER CONSIDERATIONS

Financial Considerations	No relevant issues
Consultation	No relevant issues
Child and Family Poverty	No relevant issues
Equality and Diversity considerations	No relevant issues
Staff Considerations	No relevant issues
Asset Management Considerations	No relevant issues

8.1

9. CONCLUSION

- 9.1 The number of complaints received by HBC has increased this year but is still below pre-pandemic levels. However complaints investigated by the LGSCO have reduced again reduced this year. We will closely monitor this situation to ensure that all complaints are dealt with in the most efficient and effective manner.

10. RECOMMENDATIONS

- 10.1 Finance and Policy Committee are recommended to note the update on complaints received during 2021/22.

11. REASONS FOR RECOMMENDATIONS

- 11.1 To ensure compliance with the statutory provisions set out in the LGHA 1989.
- 11.2 Finance and Policy Committee have responsibility for the monitoring of the Corporate Complaints, Comments and Compliments Policy and the Unreasonable Customer Behaviour Policy.

12. BACKGROUND PAPERS

- 12.1 None.

13. CONTACT OFFICERS

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Sign Off:-

Managing Director



Director of Resources and Development



Chief Solicitor



Table 1: Corporate Complaints received in 2021-22

	Q1	Q2	Q3	Q4	Total Number of Corporate Complaints Received	Number of Corporate Complaints Upheld / Partly Upheld
Total Number of Corporate Complaints	5	4	3	0	12	4
Total number of Resources and Development (R&D) Corporate Complaints	1	2	0	0	3	1
Total Number of Neighbourhood and Regulatory Services (NRS) Corporate Complaints	0	1	1	0	2	0
Total Number of Children's and Joint Commissioning (C&JCS) Corporate Complaints	1	0	2	0	3	3
Total Number of Adult and Community Based Services (A&CBS) Corporate Complaints	3	1	0	0	4	0

Table 2: Historical Comparison of Corporate Complaints

	2018/19		2019/20		2020/21		2021/22	
	Number of complaints	Upheld / Partly Upheld	Number of complaints	Upheld / Partly Upheld	Number of complaints	Upheld / Partly Upheld	Number of complaints	Upheld / Partly Upheld
Total Number of Corporate Complaints	23	9 (39%)	25	11 (44%)	7	3 (43%)	12	4 (33%)

Table 3: Details of Corporate Complaints Upheld / Partly Upheld in 2021-22

Dept.	Complaint Description	Outcome of complaint	Current position
C&JCS	Adopted daughter's birth name used incorrectly which allegedly placed her at risk.	The 'looked after' record closed to avoid further confusion. The IT record on another system has been locked down so it cannot be accessed as an interim arrangement until a technical fault is resolved. The technical IT fault has been notified to the provider for them to fix.	Completed
R&D	Complaint over how a Covid grant application was handled.	Grant application process reviewed.	Completed
C&JCS	Complainant unhappy a Social Worker parked over their drive.	Apology given, addressed with the worker concerned and reminded the team not to park over someone's drive during a visit.	Completed
C&JCS	Alleged lack of support regarding homelessness and unsuitable temporary accommodation. Unhappy with responses from officers about family's circumstances and health care needs.	<p>Complainant received an apology for those elements of complaint that were upheld and financial redress regarding the provision of unsuitable temporary accommodation. Recommendation regarding bond reconsideration is no longer relevant as complainant has been rehoused and no longer requires a bond.</p> <p>Letter sent to all landlord and letting agents regarding HBC Discretionary Housing Payment Bond Fund clarifying HBC's position on making awards and the eligibility criteria for the fund.</p> <p>A review of accommodation for temporary housing for families with special needs has been undertaken and a report will be taken to F&P Committee in November 2022.</p>	<p>5 of 6 recommendations completed.</p> <p>Report incorporating final recommendation response due to F&P Committee in November 2022.</p>

Table 4 – Outcome of LGSCO Complaints 2021-22 – Detailed Investigation only

Reference	Description of complaint	Outcome	Date completed
Upheld after detailed investigation (1 complaint)			
19 013 913	The complainant said the Council failed to do enough to control antisocial behaviour by youths on his road. He says this caused him injustice because he was distressed by the disturbance. He also says officers were rude to him on the phone when he complained.	The Council was not at fault for its actions taken to limit antisocial behaviour. It took action but did not have to take the actions the complainant wanted. The Council accepts that some officers provided a poor service to the resident. This was fault. However, the Council apologised so no further remedy is required.	9 th April 2021
Not upheld after detailed investigation (4 complaints)			
20 010 526	The complainant said that the Council did not agree sufficient care hours to meet her needs and refused an assessment by an independent social worker. As a result of the lack of care hours she was put at risk and, on occasion, was left without food.	The investigation found that the Council had responded appropriately to concerns about the level of care reported to it.	22 nd Oct 2021
20 010 673	The complaint was with regards to the Council's plan to remove electric gates it installed on their road in 2015. The complainant also covered the Council's failure to fully remove knotweed from her property despite agreeing to do so.	The investigation did not find fault with the Council as it is entitled to install manual gates if the current gates are not serving their purpose. Furthermore, there is no evidence the Council has agreed to eradicate the knotweed as suggested.	12 th Jan 2021
20 011 910	Complaint about poor care provided as part of a Council-commissioned care package. The complainant also said the Council did not respond appropriately to his safeguarding alert.	The investigation found that the Council was not at fault on either issue.	1 st Nov 2021
20 004 008	The resident complained about the Council's decision to evict and ban him from an allotment.	The LGSCO found no fault in the eviction or the process used to decide on the eviction.	7 th Feb 2022

Table 5: Historical Comparison of Complaints and Enquiries Received by LGSCO for the last 5 years – Hartlepool

	Adult Care Services	Benefits and Tax	Corporate and other services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
2021/22	5	1	3	6	1	1	1	2	0	20
2020/21	4	1	2	2	0	1	1	4	1	16
2019/20	4	2	3	8	2	2	0	2	0	23
2018/19	5	4	4	5	2	4	1	0	0	25
2017/18	1	3	2	6	2	6	2	3	0	25

Table 6: Historical Comparison of Decisions Made by LGSCO for the last 5 years - Hartlepool

	Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total	Average uphold rate (%) of similar authorities
					Not Upheld	Upheld	Uphold Rate		
2021/22	0	0	5	15	4	1	20%	25	64%
2020/21	1	0	7	4	1	3	75%	16	NA
2019/20	0	2	3	10	6	3	33%	24	NA
2018/19	0	1	6	11	4	1	20%	23	NA
2017/18	2	0	7	8	3	3	50%	23	NA

Table 7 - North East Local Authorities – 2021/22 LGCSO comparison

	Number of detailed investigations	Complaints Upheld		Upheld cases where the authority provided a satisfactory remedy before the complaint reached the Ombudsman (%)	Cases we were satisfied the authority successfully implemented our recommendations to remedy the complaint (compliance rate) (%)
		Number	Percentage	Percentage	Percentage
Hartlepool	5	1	20%	100%	100%
Durham	6	17	55%	6%	100%
Northumberland	29	15	52%	27%	100%
Newcastle	8	4	50%	25%	100%
Sunderland	11	8	73%	13%	100%
Gateshead	8	2	25%	50%	100%
South Tyneside	13	6	46%	17%	100%
North Tyneside	13	9	69%	33%	100%
Darlington	6	5	83%	20%	100%
Stockton	13	5	38%	0%	100%
Middlesbrough	13	10	77%	10%	100%
Redcar & Cleveland	6	5	83%	40%	100%